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v. 14  
no. 6  
Feb 9.



JIM EDGAR  
Secretary of State

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no. 6

Illinois register

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# IL REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
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Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
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May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



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- 1) Heading of Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Proposed Action  
302.315 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 40, pars. 1501 et. seq. as amended by Public Act 86-304, effective January 1, 1990.
- 5) A Complete Description of the Subjects and Issues Involved: This proposed change allows children who were surrendered for adoption but never adopted to have their names listed with and receive services through the Adoption Registry.
- 6) Will this proposed amendment replace an emergency rule currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? Yes.  

Section Numbers	Proposed Action	Illinois Register Citation
302.390	Amendment	13 Ill. Reg. 14508
302.20	Amendment	14 Ill. Reg. 1
302.40	Amendment	" "
302.500	New Section	" "
302.510	New Section	" "
302.520	New Section	" "
302.530	New Section	" "
302.540	New Section	" "
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create nor expand the state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should

be submitted to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498  
217/785-2592

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 25, 1990.
- B) Types of small businesses affected: Private/public agencies which utilize the Adoption Registry services.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: General casework practices.

The full text of the Proposed amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services
302.400	Successor Guardianship

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 5 et seq. of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named: (Ill. Rev. Stat. 1987, ch. 23, pars. 5005 et seq.); Section 3-6-2(g) of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-6-2(g)); Dangerous Drug Abuse Act (Ill. Rev. Stat. 1987, ch. 91½, pars. 120.1 et seq.); the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq. (1988 supp.)); 45 CFR 1356.40 and 1356.41; Section 1-1 et seq. of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1987, ch. 37, pars. 801.1 et seq.), "AN ACT in relation to the adoption of persons and to repeal an Act therein named," (Ill. Rev. Stat. 1987, ch. 40, par. 1501 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. , effective

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.315 Adoption Registry

- a) Effective with the establishment of an Adoption Registry under the auspices of the Department of Public Health, the Department of Children and Family Services shall ensure the provision of specific Adoption Registry services.

- b) The services shall consist of:

- 1) providing written notification describing the Adoption Registry process and services available to the biological parent or parents who wish to surrender a child for purposes of adoption, ~~which describes the Adoption Registry, the~~ process includes for recording ~~their~~ the parent(s)' names with the Adoption Registry, ~~the~~ procedures for sharing identifying information with the child who was surrendered for adoption, whether adopted or not, and the process for changing the decision to share or refuse to share identifying information;



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) helping the biological parent or parents complete a written statement of intent when a child is voluntarily surrendered for purposes of adoption. The statement shall record:
  - A) the biological parent or parents' desire to have identifying information shared with the adopted child at a later date and a method for contacting the biological parent or parents; or
  - B) the biological parent or parents' desire not to have identifying information revealed; or
  - C) that no decision has been reached at this time;
- 3) helping the biological parent or parents record their names with the Adoption Registry for the purpose of sharing identifying information with their biological children who were surrendered for adoption;
- 4) helping the adopted or unadopted child, when the child has attained the age of 18, record his or her name with the Adoption Registry for the purpose of sharing identifying information with his or her biological parents;
- 5) recording specific non-identifying information about the biological parents as required by Ill. Rev. Stat. 1984 Supp. ch. 40 par. 1522.4 in the case record. This information shall be given to the prospective adoptive parents when the child is placed for adoption and to the adopted or unadopted child, upon request, when the child has attained the age of 18; and
- 6) providing identifying information to mutually consenting parties when a written request is received by the Department of Children and Family Services. If there is an Information Exchange Authorization form on file with the Adoption Registry, this form also must permit the exchange of such information; and
- 7) other services as authorized by 89 Ill. Adm. Code 302.40.

(Source: Amended at 14 Ill. Reg. , )

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part:  
Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation:  
77 Ill. Adm. Code 350
- 3) Section Numbers:

	<u>Proposed Action:</u>
350.110	Amendments
350.120	Amendments
350.1910	Amendments
350.2010	Amendments
350.2030	Amendments
350.2220	Amendments
350.2720	Amendments
350.2730	Amendments
350.3020	Amendments
350.3030	Amendments
350.3230	Amendments
- 4) Statutory Authority:  
Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988, and Public Act 85-1378, effective September 1, 1988)
- 5) A Complete Description of the Subjects and Issues Involved:  
These amendments are being proposed by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for intermediate care facilities for persons with developmental disabilities. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

Correction of level of care references: Erroneous references to skilled nursing care in Sections 350.110(a) and 350.120(a) and (c) are being corrected in these proposed amendments. These references are being changed to refer to intermediate care for persons with developmental disabilities.

Bedside screens: The Department is proposing the replacement of the term "bedside screens" with "privacy screens" in Section 350.2220(b) to clarify the requirements for screens. Under this proposed change, new facilities



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

must have privacy screens available for emergency use when resident privacy is needed.

Dishes and utensils: Several provisions of Section 350.1910 are being deleted as unnecessary, since these requirements are contained in the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 350.3020(d) for new facilities and to Section 350.2720(d) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 350.2030(a)(2) is being proposed to clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 350.2030(a)(7) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the proposed changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is proposing the addition of a specific requirement to Section 350.2030(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being proposed in Sections 350.2730(c)(4) and 350.3030(c)(3). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 350.3030(b)(3) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is proposing the deletion of this requirement to eliminate the conflict.

Non-slip tub and shower surfaces: In Sections 350.2730(b)(6) and 350.3030(b)(4), the term "provided" is being replaced by the term "designed." This change will assure that new tubs and showers which are installed are designed with non-slip surfaces. The current wording erroneously implies that a rubber mat or other non-slip surface can be

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

used to meet this requirement.

Building maintenance for safety: The word "safe" is being added to Section 350.2010(a)(1) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (a)(2) through (a)(6) of this section.

Manual restraints: The Department is proposing the addition of a provision concerning the use of manual restraints to Section 350.3230(e). The provision will require the prior approval of the use of manual restraints by the interdisciplinary team. The provision is needed to prevent the abuse of the use of manual restraints and to protect the rights of residents.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.

7) Does this Rulemaking contain an Automatic Repeal Date? No.

8) Do these Proposed Amendments Contain Incorporations By Reference? No.

9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as



such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 12, 1990

- B) Type of Small Businesses Affected:

Intermediate care facilities for persons with developmental disabilities

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

- D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

TITLE 77: PUBLIC HEALTH  
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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350.150	Issuance of an Initial License Due to a Change of Ownership
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350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
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350.230	Information to Be Made Available to the Public By the Licensee
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350.250	Ownership Disclosure
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350.276	Notice of Violation
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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

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**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1557, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 5 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 15984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 3 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16030, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14

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111 Reg. \_\_\_\_\_, effective \_\_\_\_\_).

**NOTE:** Italics and capitalization denote statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 350.110 General Requirements

a) These Minimum Standards apply to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide intermediate care for persons with developmental disabilities or skilled-nursing care. Any license issued and in effect prior to March 1, 1980, pursuant to the Nursing Homes, Sheltered Care Homes, and Homes for the Aged Act (Ill. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the Nursing Home Care Act (the Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.



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- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) (B)
- e) An intermediate care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide.
- f) Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1163.1).
- g) THE LICENSEE SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OR THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 350.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility for persons with developmental disabilities, or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be

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- submitted and approved prior to surveys of the physical plant or review of building plans and specifications.
- b) A pre-application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1151 et seq.).
- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OR SKILLED NURSING-FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)
- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF, AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
  - 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
  - 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
  - 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
  - 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)
- e) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased, or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates;



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or when the licensee (whatever the entity) ceases to be. A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE "ILLINOIS HEALTH FACILITIES PLANNING ACT". AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 350.190 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs; it shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750). This shall include, but is not limited to, the following:--(8)

- a) Each kitchen and food pantry, or subkitchen, in each building shall be equipped with facilities to--maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals;--New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards.
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers of the proper type to satisfactorily prepare the meats.
- c) There shall be proper equipment to maintain food temperatures during service to residents;--This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent;--(8)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

## Section 350.2010 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B)
  - 1) Maintain the building in good repair safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards. (B)
  - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
  - 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
  - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive and clean and safe (painting and washing and other types of maintenance).
  - 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
  - 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B)
  - 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.
  - 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by: eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B)
- b) Each facility shall maintain all plumbing fixtures and piping in good repair and properly functioning. Protect the potable water supply from contamination by providing and properly installing adequate backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.



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(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 350.2030 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through ~~the~~ an in-house laundry or a contract with an outside service.

- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of laundering and transporting soiled linens. If an in-house laundry service is provided, then the following conditions shall exist:

- 2) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.

- 3) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.

- 4) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.

- 5) Clean linen shall be protected from contamination during handling, transport and storage.

- 5) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.

- 7) If the laundry and its necessary storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.

- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility.

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- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 350.2220 Equipment and Supplies

- a) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment sufficient to meet the needs of its residents. (B)

- b) There shall be at least one privacy bedside screen available in the facility for emergency use when resident privacy is needed each 50 beds or major fraction thereof in multiple-bedrooms to provide residents' privacy when needed.

- c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. (B)

- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee. (B)

- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, age-appropriate games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.

- f) Dishes and kitchen equipment shall be provided as set forth in Sections 350.1900 and 350.1910.

- g) Cleaning equipment and supplies shall be provided as set forth in Subpart J: Maintenance, Housekeeping and Laundry.

- h) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating. (B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 350.2720 Mechanical Systems

- a) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards.
- 1) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
- 2) The owner shall be provided with instructions in the operational use of the systems and equipment as required.
- b) Thermal and Acoustical Insulation
- 1) Insulation shall be provided for the following:
    - 2) Boilers, smoke breaching, and stacks.
    - 3) Steam supply and condensate return piping. (B)
    - 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
    - 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
    - 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
    - 7) Water supply and drainage piping on which condensate may occur.
    - 8) Air ducts and casings with outside surface temperatures below ambient dew point.
    - 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
    - 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
  - A) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of

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150 or less as determined by an independent testing laboratory in accordance with American Society Testing Materials Standard E84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard. (B)

- B) Access for filter changing shall be provided within equipment rooms.
- c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- e) Heating, Cooling, and Ventilating Systems
- 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.
  - 2) All ventilation supply, return and exhaust systems shall be mechanically operated.
  - 3) Outdoor air intakes shall be located as far as practical, but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
  - 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table B. (B)
  - 5) A manometer shall be installed across each filter bed serving central air systems.



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- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. (A, B)
- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)
- 8) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperature to 97 degrees Fahrenheit. Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B)
- 9) Rooms containing heat production equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ten degrees Fahrenheit above the ambient room temperature.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 350.2730 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by these standards and the facility program. (B)
- b) Plumbing Fixtures
  - 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
  - 2) The water supply spout for lavatories and sinks required for filling pitchers, for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a minimum distance of five inches above the rim of the fixture. (B)

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- 3) Handwashing lavatories used by nursing staff and food handlers shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one-half inches in length, except the handles on clinical sinks shall not be less than six inches in length.
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The potwashing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed provided with nonslip surfaces. (B)
- c) Water Supply Systems
  - 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
  - 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
  - 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
  - 4) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
  - 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
  - 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
    - A) A thermostatically controlled mixing valve, or
    - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water

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and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)

## d) Hot Water Heaters and Tanks

## 1) Capacity and Temperature Requirements

- A) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

	Resident Service	Dietary	Laundry
gallons/hour/bed	6 1/2	4	4 1/2
Temperature (degrees Fahrenheit)	110	140*	180

\*180 degree Fahrenheit water is required at dishwasher and pot and pan sink.

- B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.

- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material.

- e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. (B)

## f) Fire Extinguishing Systems

- 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B)
- 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B)
- 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 350.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B)

- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:

- 1) Boilers, smoke breaching, and stacks.
  - 2) Steam supply and condensate return piping.
  - 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
  - 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
  - 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
  - 6) Water supply and drainage piping on which condensation may occur.
  - 7) Air ducts and casings with outside surface temperature below ambient dew point.
  - 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
  - 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
  - 10) Insulation on cold surfaces shall include an exterior vapor barrier.
  - 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.
- c) Steam and Hot Water Systems. It is recommended that supply and return



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mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

e) Heating, Cooling, and Ventilating Systems

- 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
- 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. (B)
- 3) All ventilation supply, return and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. (B)
- 5) The laundry shall be provided with ventilation for reasonable comfort and with air flowing from clean areas to soiled areas with exhaust to the outdoors. (B)
- 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. (A, B) Exception: For facilities not exceeding 25,000 cubic feet in volume, NFPA 90B shall apply except "pipeless floor furnaces" are not permitted.
- 8) The hood and duct system for cooking equipment shall be in

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conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)

- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. (A, B)

- 10) A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 350.3030 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. (B)

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials and shall be kept in good repair.
- 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.

- 3) ~~The kitchen two-compartment sink shall have one compartment no less than 14 inches deep.~~

- 3) ~~4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be designed provided with nonslip surfaces.~~

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.
- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.



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- 3) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
- 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material.
- e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B)
- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 350.3230 Restraints

- a) NEITHER PHYSICAL RESTRAINTS NOR CONFINEMENTS SHALL BE EMPLOYED FOR THE PURPOSE OF PUNISHMENT OR FOR THE CONVENIENCE OF ANY FACILITY PERSONNEL. NO PHYSICAL RESTRAINTS OR CONFINEMENTS SHALL BE EMPLOYED EXCEPT AS ORDERED BY A PHYSICIAN WHO DOCUMENTS THE NEED FOR SUCH RESTRAINTS OR CONFINEMENTS IN THE RESIDENT'S CLINICAL RECORD. (Section 2-106 of the Act) (B)
- b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B)
- c) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's

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- physician and documented in the resident's clinical record. (B)
- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or aversive stimuli of any nature unless and until the informed consent of such resident, resident's guardian, or parent of a minor resident has been obtained. (B)
  - e) Manual physical restraint must be authorized in advance in writing by the interdisciplinary team, which includes a physician or a registered nurse with three years of clinical training or experience acquired subsequent to the acquisition of licensure, as part of an individual program plan.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS1) Heading of Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

	<u>Proposed Action:</u>
390.1920	Amendments
390.2010	Amendments
390.2030	Amendments
390.2220	Amendments
390.2720	Amendments
390.2730	Amendments
390.2990	Amendments
390.3020	Amendments
390.3030	Amendments

4) Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988, and Public Act 85-1378, effective September 1, 1988)

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for long-term care facilities for persons under age 22. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350) are also being proposed.

Bedside screens: The Department is proposing the replacement of the term "bedside screens" with "privacy screens" in Section 390.2220(a)(4) to clarify the requirements for privacy screens. Under this proposed change, new facilities must have privacy screens available for emergency use when resident privacy is needed.

Dishes and utensils: Several provisions of Section 390.1920 are being deleted as unnecessary, since these requirements are contained in the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes.

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Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 390.2720(d) for new facilities and to Section 390.3020(d) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 390.2030(a)(2)(A) is being proposed to clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 390.2030(a)(2)(F) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the proposed changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is proposing the addition of a specific requirement to Section 390.2030(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being proposed in Sections 390.2730(c)(4) and 390.3030(c)(3). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 390.2990(a)(5) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is proposing the deletion of this requirement to eliminate the conflict.

Non-slip tub and shower surfaces: In Section 390.2730(b)(6) and 390.3030(b)(4), the term "provided" is being replaced by the term "designed." This change will assure that new tubs and showers which are installed are designed with non-slip surfaces. The current wording erroneously implies that a rubber mat or other non-slip surface can be used to meet this requirement.

Building maintenance for safety: The word "safe" is being added to Section 390.2010(a) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (b) through (f) of this section.

The Department anticipates adoption of this rulemaking approximately six

to nine months after the publication of this notice in the Illinois Register.

6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.

7) Does this Rulemaking contain an Automatic Repeal Date? No.

8) Do these Proposed Amendments Contain Incorporations By Reference? No.

9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 12, 1990.

B) Type of Small Businesses Affected:

Long-term care facilities for persons under age 22.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required

for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 390

## LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

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SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

- APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
- APPENDIX B Forms for Day Care in Long-Term Care Facilities
- TABLE A Infant Feeding
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- TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

TABLE E Sprinkler Requirements

TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-983, effective December 9, 1987; P. A. 85-1183, effective August 13, 1988; and P. A. 85-1378, effective September 1, 1988).

SOURCE: Adopted at 5 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 15782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill.

Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Italics and capitalization denote statutory language.

Section 390.1920 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs; it shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750); this shall include at a minimum the following: --(B)

a) Each kitchen and floor pantry, or sub-kitchen, in each building shall be adequately equipped with steam-jacketed kettles (in large facilities), stoves, work tables, refrigerators, ovens, and cabinets; New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards.

b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers of the proper type to satisfactorily prepare the meals.

c) There shall be proper equipment for keeping hot food hot and cold foods cold until served to the residents; this equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent; --(B)

a)d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

b)e) Each facility shall provide a sufficient supply of adaptive food service equipment necessary to meet the need of each resident.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section 390.2010 Maintenance

Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B)

a) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint;



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- warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken panes; and any other similar hazards. (B)
- b) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
  - c) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
  - d) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing and other types of maintenance).
  - e) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
  - f) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B)
  - g) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.
  - h) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 390.2030 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through an in-house laundry or a contract with an outside service.
- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens.
- 2) If an in-house laundry service is provided, then the following conditions shall exist:

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- A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.
- B) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- D) Clean linen shall be protected from contamination during handling, transport and storage.
- E) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- F) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.
- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility.
- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 390.2220 Equipment and Supplies

- a) The facility shall provide adequate equipment and supplies including at a minimum the following:
  - 1) An adequate supply of nursing equipment such as individual



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thermometers, catheters, dressings, scales, hypodermic needles, syringes, and other equipment for giving medicines based on the needs of the residents in the facility.

- 2) At least one properly operating suction machine and one emergency type oxygen apparatus on each floor or section of the building housing residents. (B)
- 3) A sufficient quantity of linen such as sheets, diapers, blankets, towels, wash cloths, and plastic sheeting to provide each resident with a daily individual supply.
- 4) At least one privacy bedside screen available in the facility for emergency use when resident privacy is needed each 50 beds or major fraction thereof; unless substitute curtains are provided to provide residents' privacy when needed.
- 5) An emergency first-aid kit or emergency box containing bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, airways, tourniquet, sterile suture set, antiseptic skin cleaner and other equipment deemed necessary by the advisory physician or the medical advisory committee. (B)
- 6) Proper clothing to assure cleanliness and warmth for each resident. (B)
- 7) A sufficient number of play pens provided for residents under one year of age and in addition for those over one year of age, if needed for proper care. These shall be safe for use. (B)
- 8) Washable toys and other developmental toys and equipment provided. These shall be of safe and sanitary design.
- 9) Cleaning equipment and supplies shall be provided as set forth in Subpart J.
- 10) All supplies and special equipment including implements or utensils needed for residents.

- b) The facility shall initiate the procedures and assist the resident in obtaining special equipment designed for an individual resident's exclusive use.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 390.2720 Mechanical Systems

- a) General Mechanical System Requirements

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- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards.
- 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
- 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required.

## b) Thermal and Acoustical Insulation

- 1) Insulation shall be provided for the following:

- 2) Boilers, smoke breeching, and stacks.
- 3) Steam supply and condensate return piping. (B)
- 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
- 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
- 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 7) Water supply and drainage piping on which condensate may occur.
- 8) Air ducts and casings with outside surface temperatures below ambient dew point.
- 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance



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with American Society Testing Materials Standard E84. (B)  
Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.

- 12) Access for filter changing shall be provided within equipment rooms.

c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

## e) Heating, Cooling, and Ventilating Systems

- 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.
- 2) All ventilation supply, return and exhaust systems shall be mechanically operated.
- 3) Outdoor air intakes shall be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table D. (B)
- 5) A manometer shall be installed across each filter bed serving central air systems.
- 6) Air conditioning and ventilation systems shall be designed,

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installed and maintained as required by National Fire Protection Association Standard 90A. (A, B)

- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)

- 8) The ventilation of the medical gas storage room shall conform to the requirements of National Fire Protection Association Standard 56A "Inhalation Anesthetics" including the gravity option system. (B)

- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97 degrees Fahrenheit, Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B)

- 10) Rooms containing heat producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ten degrees Fahrenheit above the ambient temperature.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.2730 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890), except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by the standards and the facility program. (B)

## b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a



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minimum distance of five inches above the rim of the fixture. (B)

- 3) Handwashing lavatories used by nursing staff and food handlers, shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half inches in length, except the handles on clinical sinks shall not be less than six inches in length.
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The potwashing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed provided with nonslip surfaces. (B)

## c) Water Supply Systems

- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
- 4) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
  - A) A thermostatically controlled mixing valve, or
  - B) An aquastat which limits the water temperature in the water

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heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)

## d) Hot Water Heaters and Tanks

- 1) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

	Resident Service	Dietary	Laundry
gallons/hour/bed Temperature (degrees Fahrenheit)	6 1/2 110	4 140*	4 1/2 180

\*180 degree Fahrenheit water is required at dishwasher and pot and pan sink. Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.

- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material.
- e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. (B)
- f) Nonflammable Gas System. Nonflammable medical gas systems if installed shall be in accordance with the requirements of National Fire Protection Association Standards 56A and 56F. (B)
- g) Clinical Vacuum (Suction) Systems. Clinical vacuum systems if installed shall be in accordance with the requirements of the Compressed Gas Association Pamphlet P-2.1. (B)
- h) Fire Extinguishing Systems
  - 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B)
  - 2) All sprinkler and other fire extinguishing systems shall be



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designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B)

- 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 390.2990 Service Department

## a) Kitchen

- 1) Provide a kitchen area, not including food storage area, of approximately ten square feet per resident bed; this may be reduced for a facility with 40 or more beds. Any deviation from this requirement must receive approval from the Department. Such approval will only be granted if it can be shown that sufficient space can be provided to meet the needs of the residents. (B)

- 2) Provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise, and odors. (B)

- 3) Provide appropriate equipment for the preparation and serving of meals. (B)

- 4) Provide refrigeration of perishable foods. (B)

- 5) ~~The kitchen shall be equipped with a two-compartment sink for washing and sanitizing dishes, pots, pans and utensils. (B) -- A commercial type dishwasher is recommended.~~

- 5)6) The kitchen shall be provided with a handwashing lavatory. (B)

- 6)7) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light-colored surfaces.

- 7)8) All openings to the outside shall be effectively screened during fly seasons, and screen doors shall be equipped with self-closing devices; or a satisfactory alternative method.

- 8)9) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors. (B)

- 9)10) Provide approximately two and one-half square feet per patient bed for bulk and daily food storage located in a room convenient

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to the kitchen.

## b) Formula Area

- 1) If commercially prepared formulas are used, there shall be clean storage and dispensing areas provided.

- 2) If the facility is preparing its own formula, the formula area shall contain elbow, foot or knee controlled lavatory, a sink, refrigerator, and an autoclave or other approved system for terminal sterilization. Additional equipment and utensils necessary for carrying on proper techniques in formula preparation and storage shall be provided.

- 3) The facility shall be a separated room or provide an appropriate area for bottle and nipple washing and cleaning, equipped as necessary to carry out proper technique.

## c) Laundry

- 1) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used.

- 2) Provide satisfactory and separate areas for soiled holding and sorting and clean linen storage. These may be in the same room if well defined and adequate separation is provided.

- 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it. (B)

## d) Storage

- 1) Provide a total area of approximately seven and one-half square feet per resident bed for the storage area required in this Section.

- 2) Provide adequate storage space for personal possessions of residents and staff, toys, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff.

- 3) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used.



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- 4) Provide closets for cleaning supplies, janitor's sinks, linen closets, storerooms for luggage, and furniture replacements.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 390.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B)

- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:

- 1) Boilers, smoke breeching, and stacks.
- 2) Steam supply and condensate return piping.
- 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
- 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
- 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment

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coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.

- c) It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

e) Heating, Cooling, and Ventilating Systems

- 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
- 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. (B)
- 3) All ventilation supply return and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. (B)
- 5) The laundry shall be provided with ventilation for reasonable comfort with air flowing from clean areas to soiled areas with exhaust to the outdoors. (B)
- 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.



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- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. (A, B)
- 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. (A, B)
- 10) A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.3030 Plumbing Systems

## a) General Requirements for Plumbing Systems

- 1) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. (B)
- 2) New and replacement equipment, fixtures and fittings for mechanical, plumbing and electrical systems shall conform to and be installed in accordance with Subpart M of this Part.

## b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials and shall be kept in good repair.
- 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 3) The kitchen shall be equipped with a two compartment sink for washing pots and pans. One compartment shall contain no less than 14 inches depth of 170 degrees Fahrenheit water. A commercial type dishwasher is recommended.

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- 4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be designed~~provided~~ with nonslip surfaces.
- c) Water Supply Systems
  - 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.
  - 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
  - 3) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times.
  - 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
  - 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- d) Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B)
- e) All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



1) Heading of Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.2110	Amendments
300.2210	Amendments
300.2230	Amendments
300.2420	Amendments
300.2920	Amendments
300.2930	Amendments
300.3060	Amendments
300.3120	Amendments
300.3130	Amendments

Proposed Action:Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988, and Public Act 85-1378, effective September 1, 1988)

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for skilled nursing and intermediate care facilities. Related amendments to the rules governing the licensure of sheltered care facilities (77 Ill. Adm. Code 330), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

Visual privacy in multi-bed rooms: The Department is proposing the replacement of the term "bedside screens" with "privacy screens" in Section 300.2420(b)(1) to clarify the requirements for screens. Under this proposed change, new facilities must have privacy screens available for emergency use when resident privacy is needed. Section 300.2420(b)(2) is being amended to clarify the requirement for the installation of cubicle curtains and tracks in all new facilities. A provision which conflicts with the requirements of the preceding provision is being deleted from this provision. In addition, in Section 300.3060(a)(8), the term "design" is being replaced with the term "methods" to clarify the parallel requirements for visual privacy in existing facilities.

Dishes and utensils: Section 300.2420(f) is being amended to correct the reference to the requirement that facilities comply with the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes. Several provisions of Section 300.2110 are being deleted as unnecessary, since these requirements are contained in the food service sanitation rules.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 300.2920(d) for new facilities and to Section 300.3120(d) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 300.2230(a)(2)(A) is being proposed to clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 300.2230(a)(1)(F) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the proposed changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is proposing the addition of a specific requirement to Section 300.2230(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being proposed in Sections 300.2930(c)(4) and 300.3130(c)(3). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 300.3130(b)(3) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is proposing the deletion of this requirement to eliminate the conflict.

Non-slip tub and shower surfaces: In Sections 300.2930(b)(6) and 300.3130(b)(4), the term "provided" is being replaced by the term "designed." This change will assure that new tubs and showers which are installed are designed with non-slip surfaces. The current wording erroneously implies that a rubber mat or other non-slip surface can be used to meet this requirement.



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Building maintenance for safety: The word "safe" is being added to Section 300.2210(b)(1) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (b)(2) through (b)(6) of this section.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

- 6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.
- 7) Does this Rulemaking contain an Automatic Repeal Date? No.
- 8) Do these Proposed Amendments Contain Incorporations By Reference? No.
- 9) Are there any other Proposed Amendments Pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 12, 1990

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- B) Type of Small Businesses Affected:

Skilled nursing facilities and intermediate care facilities.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

- D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:



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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

- Section
- 300.110 General Requirements
- 300.120 Application for License
- 300.130 Licensee
- 300.140 Issuance of an Initial License for a New Facility
- 300.150 Issuance of an Initial License Due to a Change of Ownership
- 300.160 Issuance of a Renewal License
- 300.165 Criteria for Adverse Licensure Actions
- 300.170 Denial of Initial License
- 300.175 Denial of Renewal of License
- 300.180 Revocation of License
- 300.190 Experimental Program Conflicting With Requirements
- 300.200 Inspections, Surveys, Evaluations and Consultation
- 300.210 Filing an Annual Attested Financial Statement
- 300.220 Information to Be Made Available to the Public By the Department
- 300.230 Information to Be Made Available to the Public By the Licensee
- 300.240 Municipal Licensing
- 300.250 Ownership Disclosure
- 300.260 Issuance of Conditional Licenses
- 300.270 Monitor and Receivership
- 300.272 Determination to Issue a Notice of Violation or Administrative Warning
- 300.274 Determination of the Level of a Violation
- 300.276 Notice of Violation
- 300.277 Administrative Warning
- 300.278 Plans of Correction
- 300.280 Reports of Correction
- 300.282 Conditions for Assessment of Penalties
- 300.284 Calculation of Penalties
- 300.286 Determination to Assess Penalties
- 300.288 Reduction or Waiver of Penalties
- 300.290 Quarterly List of Violators
- 300.300 Alcoholism Treatment Programs In Long-Term Care Facilities
- 300.310 Department May Survey Facilities Formerly Licensed
- 300.320 Waivers
- 300.330 Definitions
- 300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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300.510 Administrator  
SUBPART C: POLICIES

- 300.610 Resident Care Policies
- 300.620 Admission and Discharge Policies
- 300.630 Contract Between Resident and Facility
- 300.640 Residents' Advisory Council
- 300.650 Personnel Policies
- 300.655 Initial Health Evaluation for Employees
- 300.660 Nursing Assistants
- 300.665 Student Interns
- 300.670 Disaster Preparedness
- 300.680 Restraints and Safety Devices
- 300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1040 Behavior Emergencies
- 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs

SUBPART H: MEDICATIONS

- 300.1610 Medication Policies and Procedures

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300.1620 Conformance With Physician's Orders  
300.1630 Administration of Medication  
300.1640 Labeling and Storage of Medications  
300.1650 Control of Medications

## SUBPART I: RESIDENT AND FACILITY RECORDS

300.1810 Resident Record Requirements  
300.1820 Content of Medical Records  
300.1830 Records Pertaining to Residents' Property  
300.1840 Retention and Transfer of Resident Records  
300.1850 Other Resident Record Requirements  
300.1860 Staff Responsibility for Medical Records  
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## SUBPART J: FOOD SERVICE

300.2010 Director of Food Services  
300.2020 Dietary Staff in Addition to Director of Food Services  
300.2030 Hygiene of Dietary Staff  
300.2040 Diet Orders  
300.2050 Adequacy of Diet and Meal Pattern  
300.2060 Therapeutic Diets  
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300.2080 Menu Planning  
300.2090 Food Preparation and Service  
300.2100 Food Handling Sanitation  
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## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

300.2210 Maintenance  
300.2220 Housekeeping  
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## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

300.2410 Furnishings  
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988.

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19765; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended by 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Italics and capitalization denote statutory language.

Section 300.2110 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" (77-111-Adm-Code 750). This shall include, but is not limited to, the following:--(B)



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- a) Each kitchen and floor pantry or subkitchen in each building shall be equipped with facilities to maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards.
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers, of the proper type to satisfactorily prepare the meats.
- c) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. (B)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

(Source: Amended at 14 Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## SUBPART K; MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

## Section 300.2210 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies.

- b) Each facility shall: (B)

- 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards. (B)
- 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
- 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
- 4) Maintain the interior and exterior finishes of the building as

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- needed to keep it attractive and clean and safe (painting, washing, and other types of maintenance).
- 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
  - 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B)
  - 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.
  - 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh screen to the inch and repair of any breaks in construction. (B)
  - 9) Maintain all plumbing fixtures and piping in good repair and properly functioning. (B)
  - 10) Protect the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 14 Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 300.2230 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through ~~the~~ an in-house laundry or a contract with an outside service.
- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases, etc., required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens.
  - 2) If an in-house laundry service is provided then the following conditions shall exist:
    - A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.



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- B) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- D) Clean linen shall be protected from contamination during handling, transport and storage.
- E) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- F) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.
- b) If an outside laundry service is used it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility.
- c) If the facility provides laundry service for residents' is personal clothing it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

## Section 300.2420 Equipment and Supplies

## a) Equipment

- 1) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment, sufficient to meet the needs of its residents. (B)
- 2) If the facility has residents who need the services of a suction

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machine, a sufficient quantity of such machines shall be provided to meet the needs of all such residents. (B)

b) Privacy Bedside Screens and Cubicle Curtains

- 1) There shall be at least one privacy bedside screen available in the facility for emergency use when resident privacy is needed. each 50 beds or major fraction thereof in multiple bedrooms to provide residents privacy when needed.
- 2) There shall be cubicle curtains and tracks installed to provide visual privacy to each resident bed in multiple bedrooms. If cubicle curtains are not provided an adequate supply of bedside screens shall be provided for the same purpose.
- c) There shall be a sufficient supply of clean linen and bedding in good condition to provide proper care and comfort to the residents. (B)
- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee.
- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.
- f) Dishes and kitchen equipment shall be provided as set forth in Section 300.2100.
- g) Cleaning equipment and supplies shall be provided as set forth in Sections 300.2210 through 300.2220.
- h) Each resident shall have a satisfactory nurse call device. (See Sections 300.2940(g) and 300.3140(e).)
- i) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating. (B)
- j) There shall be a sufficient quantity of resident care equipment of satisfactory design and in good condition to carry out established resident care procedures. This shall include at a minimum the following: wheelchairs with brakes, walkers, metal bedside rails, bedpans, urinals, emesis basins, wash basins, footstools, metal commodes, over the lap tables, foot cradles, footboards, under the



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mattress bed boards, trapeze frames, transfer boards, parallel bars, and reciprocal pulleys.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2920 Mechanical Systems

a) General Requirements

- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards.
- 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
- 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required.

b) Thermal and Acoustical Insulation

- 1) Insulation shall be provided for the following:
- 2) Boilers, smoke breeching, and stacks.
- 3) Steam supply and condensate return piping. (B)
- 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
- 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
- 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 7) Water supply and drainage piping on which condensate may occur.
- 8) Air ducts and casings with outside surface temperatures below ambient dew point.

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- 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with American Society Testing Materials Standard E84. (B)  
Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.
- 12) Access for filter changing shall be provided within equipment rooms.
- c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- e) Heating, Cooling, and Ventilating Systems
  - 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.
  - 2) All ventilation supply, return and exhaust systems shall be mechanically operated.
  - 3) Outdoor air intakes shall be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central



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systems shall be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.

- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table B. (B)
- 5) A manometer shall be installed across each filter bed serving central air systems.
- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. (A, B)
- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)
- 8) The ventilation of the medical gas storage room shall conform to the requirements of National Fire Protection Association Standard 50A "Inhalation Anesthetics" including the gravity option system. (B)
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97 degrees Fahrenheit. Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B)
- 10) Rooms containing heat producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10 degrees Fahrenheit above the ambient temperature. The ventilation rates shown in Table B shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

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- a) General Requirements. All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by this part and the facility program. (B)

## b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers, handwashing, shall be mounted so that its discharge point is a minimum distance of five inches above the rim of the fixture. (B)
- 3) Handwashing lavatories used by nursing staff and food handlers shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half inches in length, except the handles on clinical sinks shall not be less than six inches in length.
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The potwashing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed provided with nonslip surfaces. (B)

## c) Water Supply Systems

- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.



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- 4) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
  - A) A thermostatically controlled mixing valve, or
  - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)
- d) Hot Water Heaters and Tanks
  - 1) Capacity and Temperature Requirements
    - A) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:
 

gallons/hour/bed Temperature (degrees Fahrenheit)	Resident Service 6 1/2 110	Dietary 4 140*	Laundry 4 1/2 180
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\*180 degree Fahrenheit water required at dishwasher and pot and pan sink.
    - B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.

- e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken

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- f) Nonflammable Gas Systems. Nonflammable medical gas systems if installed shall be in accordance with the requirements of National Fire Protection Association Standards 56A and 56F. (B)
  - g) Clinical Vacuum (Suction) Systems. Clinical vacuum systems if installed shall be in accordance with the requirements of the Compressed Gas Association Pamphlet P-2.1. (B)
  - h) Fire Extinguishing Systems
    - 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B)
    - 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B)
    - 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B)
- (Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART 0; DESIGN AND CONSTRUCTION STANDARDS  
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## Section 300.3060 Nursing Unit

## a) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off of a corridor with an entrance door that swings into the room. Rooms used as bedrooms and included in the licensed capacity as of December 24, 1987, which do not open directly into corridors but instead open into large living/dining/activity areas, are exempt from this subsection (a)(1). However, no additional such rooms will be permitted to be established after December 24, 1987.
- 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 300.3140(c).
- 3) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom. (B)



- 4) A closet or wardrobe at least four square feet shall be provided for each resident.
- 5) No bedroom floor shall be more than three feet below the adjacent ground level.
- 6) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.
- 7) Nurses' call system shall be provided in accordance with Section 300.3140(e). (B)
- 8) Visual privacy shall be provided for each resident in multi-bed rooms. Methods Design for privacy shall not restrict resident access to entry, lavatory, or toilet.

b) Resident Bedroom

- 1) Single resident bedrooms shall contain at least 100 square feet. Multiple resident bedrooms shall contain at least 80 square feet per bed. Multiple bedrooms of not less than 70 square feet per bed may be approved by the Department if services can be provided. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, are exempt from this subsection (b)(1). Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, but which have less than 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, continue to be subject to waiver procedures on an annual basis (See Section 300.320).
- 2) Maximum room capacity shall be four residents. Beds shall be at least three feet apart, and no more than three beds deep from an outside wall. There shall be a minimum of ten feet between walls or a wall and any built in furniture or storage space.

c) Special Care Room

- 1) In Intermediate Care Facilities, provide a special care room for each 150 beds. In Skilled Nursing Facilities, provide a special care room for each 50 beds or portion thereof.

- 2) Provide this room with a water closet, lavatory and all other necessary facilities to meet the resident's needs and as required to care for an ill resident.
- 3) This room shall be located to provide proper and efficient supervision of the resident by the nursing staff.
- 4) This room shall be included in the authorized maximum bed capacity for the facility.
- 5) It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.

d) Nurses' Station

- 1) Provide a minimum of one nurses' station on each floor in skilled nursing facilities there shall be a station for each nursing unit). The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms. In Intermediate Care Facilities one nurses' station serving two floors housing residents is acceptable if there are less than 15 beds on an adjacent station. (B)
- 2) At least one nurses' station shall have a medicine sink with hot and cold running water, a work counter, a medicine cabinet, and necessary equipment and furnishings (in skilled nursing facilities each nurses' stations shall be so equipped).
- 3) Provide a nurses' toilet and handwashing sink convenient to the nurses' station.

e) Bath and Toilet Rooms

- 1) The maximum capacity of resident beds on each floor shall be used to determine the number of fixtures required even though some of the beds may not be occupied.
  - A) Provide a minimum of one water closet, one lavatory, and one bathtub or shower for each sex on each floor occupied by residents.
  - B) Provide a minimum of one lavatory and one water closet for each ten resident beds on each floor.



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- C) Provide a minimum of one bathtub or shower for each 15 resident beds on each floor.
- D) Each lavatory shall be provided with a well-illuminated mirror.
- 2) All bath and toilet rooms shall be easily accessible, and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy.
- 3) All showers, other than those for residents needing assistance in bathing, shall have minimum dimensions of three feet by three feet.
- 4) If toilet rooms provided adjacent to residents' bedrooms are not large enough to permit use by wheelchair residents, at least one toilet room or enclosure measuring five feet by six feet shall be provided on each floor housing residents (In Skilled Nursing Facilities there shall be one for each sex on each floor). Provide a lavatory usable by wheelchair residents in this room.
- 5) Provide on each floor at least one bathing facility or enclosure of not less than eight feet six inches by eight feet six inches with an acceptable system for assistance in bathing persons with physical disabilities. If a shower is installed instead of a bathtub, such shower shall have a minimum dimension of four feet wide by three feet six inches deep. These showers shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a conventional shower head installation may also be provided but it must be valved off from the lower water inlet.

## f) Utility Rooms

- 1) Every facility shall have clean and soiled utility functions in separate rooms. There shall be at least one each of these rooms in the facility (In Skilled Nursing Facilities there shall be at least one each of these rooms on each floor having resident bedrooms).

## 2) Clean Utility Room

- A) The clean utility room shall be large enough to contain:
  - i) a work counter or table;
  - ii) a sink with drainboard;

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- iii) ample storage cabinets for clean and sterile supplies and equipment; and
- iv) an autoclave, if required, for sterilizing needles, syringes, catheters, dressings, and similar items.
- B) The autoclave may be located in the nurses' station area. The autoclave may be waived in lieu of other methods of sterilization approved by the Department.
- 3) Soiled Utility Room
  - A) The soiled utility room shall be large enough to contain:
    - i) a two compartment sink with drainboards;
    - ii) ample storage cabinets;
    - iii) a clinical rim flush sink for: rinsing bed pans, urinals, and linen soiled by solid materials, and similar type procedures; and
    - iv) equipment and facilities for sanitizing bed pans, emesis basins, urine bottles, and other utensils, which meet accepted methods and procedures for such sanitation.
  - B) Based upon approval of the program narrative, the Department will consider a waiver of this paragraph for Intermediate Care Facilities.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 300.3120 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B)
- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:
  - 1) Boilers, smoke breeching, and stacks.
  - 2) Steam supply and condensate return piping.
  - 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.



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- 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
- 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.
- c) Steam and Hot Water Systems. It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- e) Heating, Cooling, and Ventilating Systems
  - 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.

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- 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted permitted. (B)
- 3) All ventilation supply return and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. (B)
- 5) The laundry shall be provided with ventilation for reasonable comfort with air flowing from clean areas to soiled areas with exhaust to the outdoors. (B)
- 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. (A, B)
- 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. (A, B)
- 10) A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 300.3130 Plumbing Systems



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## a) General Plumbing Requirements

- 1) All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. (B)
- 2) New and replacement equipment, fixtures and fittings for mechanical, plumbing and electrical systems shall conform to and be installed in accordance with Subpart N of these standards.

## b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials and shall be kept in good repair.
- 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 3) ~~The kitchen shall be equipped with a two-compartment sink for washing pots and pans. One compartment shall contain no less than 14 inches depth of 170 degrees Fahrenheit water. A commercial type dishwasher is recommended.~~
- 3)4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be designed provided with nonslip surfaces.

## c) Water Supply Systems

- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.
- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
- 3) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
- 4) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)

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- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material.
- e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B)
- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B)

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- 1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers:

1030.55 Amendment

1030.85 Amendment

Appendix A

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking: 1) sets forth the requirements of a driver who wishes to apply for and retain the privilege to operate a commuter van in a for-profit ridesharing arrangement; 2) sets forth the road testing requirements for obtaining an Illinois driver's license; and 3) outlines the questions asked of a person to obtain an Illinois driver's license.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.30	Amendment	14 Ill. Reg. 179 (January 5, 1990)
1030.65	Amendment	13 Ill. Reg. 14019 (September 8, 1989)
1030.80	Amendment	14 Ill. Reg. 579 (January 12, 1990)
1030.91	New Section	13 Ill. Reg. 14344 (September 15, 1989)
1030.94	Amendment	14 Ill. Reg. 13898 (September 1, 1989)
1030.95	Amendment	13 Ill. Reg. 16297 (October 20, 1989)

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- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Short

Assistant Counsel to the Secretary

2701 S. Dirksen Parkway

Springfield, IL 62723

217/782-5356
- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.



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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits
1030.10	Procedure for Obtaining a Driver's License
1030.11	Cite for Re-examination
1030.15	Classification of Drivers-References
1030.20	Classification Standards
1030.30	Fifth Wheel Equipped Trucks
1030.40	Bus Driver's Authority, Religious Organization
1030.50	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.55	Employer Certification Program
1030.60	Religious Exemption for Social Security Numbers
1030.63	Instruction Permits
1030.65	Driver's License Testing/Vision Screening With Vision Aid
1030.70	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.75	Driver's License Testing/Written Test
1030.80	Vehicle Inspection
1030.84	Driver's License Testing/Road Test
1030.85	Multiple Attempts/Road Test
1030.86	Exemption of Facility Administered Road Test
1030.88	Temporary Licenses
1030.89	Requirement For Photograph and Signature of Licensee
1030.90	On Driver's License
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A	Questions Asked of a Driver's License Applicant
Appendix B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

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SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

a) For purposes of this Section, the following definitions shall apply:

"Commuter Van" - a motor vehicle designed for the transportation of not less than 7 or more than 16 passengers, which is used in a ridesharing arrangement.

"For-Profit Ridesharing Arrangement" - the transportation by motor vehicle of not more than 16 persons (including the driver), for which a fee is charged. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 902.)

"P. Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons including the driver.

"Restriction" - requirement, condition, or operating authority added to a driver's license which must be met by the license holder before he/she may legally operate a motor vehicle.

b) Pursuant to the provisions of Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4), an individual, who applies for driving privileges to operate a commuter van in a for-profit ridesharing arrangement, shall be required to take and successfully complete a test of his or her driving ability while operating a commuter van. The standards for successfully completing this driving test shall be the same as those utilized for other Class AC or Class BD type licenses driving tests using other vehicles.



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c) The driving test required in a for-profit ridesharing arrangement shall be taken and successfully completed in a commuter van as defined in Section 1-114.1 of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-114.1); however, this commuter van need not be the same commuter van as will be used in the for-profit ridesharing arrangement.

d) Upon successful completion of the driving test as specified in subsection (ab) above showing the individual's ability to exercise reasonable care in the safe operation of commuter vans used in for-profit ridesharing arrangements and if the other requirements for licensure as stated in Section 6-106.4 of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4), are met, a special six "J" restriction and a "P" endorsement when required shall be shown on the individual's driver's license. The individual shall be required to pay a corrected driver's license fee of \$5.00 as defined in Section 6-118(a) of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a)), if he or she applies for this special restriction and/or endorsement at a time other than his or her regular renewal date.

e) In the event a for-profit ridesharing arrangement driver is convicted of any of the offenses listed in Section 6-106.4(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4(5)), that person's authority to operate a for-profit ridesharing arrangement vehicle shall be removed in the following manner:

1) The Secretary of State shall notify the for-profit ridesharing arrangement driver he/she is no longer eligible for such authorization to operate a for-profit ridesharing arrangement vehicle.

2) Such licensee must surrender his/her Illinois driver's license within 10 days after receiving such notification in order to have the authority to operate a for-profit ridesharing arrangement vehicle removed from his/her driver's license.

3) A corrected driver's license shall be issued to each licensee and the applicant will be charged a fee in accordance with Section 6-118(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(9a)).

f) Failure of such licensee to comply with paragraph (e)(2) above of this Section shall result in cancellation of such licensee's Illinois driver's license.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 1030.85 Driver's License Testing/Road Test

a) For the purposes of this Section, terms shall be defined as follows:

"Dangerous Action" - an act by the applicant which could endanger a person or property.

"Driver Services Facility Supervisor Manager" - employee designated by the Secretary to oversee the operations of the driver services facility personnel (Public Service Representatives and Public Service Clerks).

"Driving Skills" - ability of applicant to perform maneuvers which will be demonstrated during drive test.

"Examiner" - employee of the Secretary of State who is authorized to administer the road test.

"First Division Vehicles" - those motor vehicles which are designed for the carrying of not more than ten persons as defined in Section 1-217 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-217.)

"Foreign Speaking Applicant" - any applicant unable to understand the oral directions given by the examiner using the English language.

"Religious Organization Vehicle Endorsement Restriction" - authority to operate a religious organization bus as described in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2.)

"Road Test" - an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-109.)

"School Bus Driver Permit" - permit issued to school bus drivers by the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 275.

"Second Division Vehicles" - vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses as defined in Section 1-217 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-217.)



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"Secretary of State" - the Secretary of State of Illinois.

"Violation" - any traffic-related act for which a motor vehicle driver may be arrested and ticketed.

- b) Classification of licenses is established in Sections 1030.20 and 1030.30 of this Part.

- c) Persons applying for a class AC, class B, or class CD (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation vehicle endorsement restriction or a school bus driver permit, in a first division vehicle, who must complete a road test, shall be evaluated on the following driving skills: start, posture, use of mirror(s), steering, lane observance, right of way, intersection observation, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn ahead about, use of clutch or automatic transmission.

- d) In addition to those maneuvers listed in subsection (bc) of this Section, persons applying for a class DA or B driver's license (CDL or Non-CDL), shall also be evaluated on the following: use of gears, deck parking, trailer braking, railroad crossing, railroad crossing, dock parking, trailer parking, straight line backing, stop at marked line, and predetermined right turn.

- e) In addition to those maneuvers listed in subsection (bc) of this Section, persons applying for a school bus driver permit, who must complete a road test in a second division representative vehicle, which shall consist of the following: shall also be evaluated on the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, use of flasher lights.

- f) Applicants for a class L or class M driver's license, who are required to complete a road test, shall be evaluated by using one of the following drive tests: MOST - Motorcycle Operator Skill Test; ALMOST - (Alternate Motorcycle Operator Skill Test); MiniMOST - (Space-Modified ALMOST); PRESENT - Street course in combination with Illinois Department of Transportation test at facility location; 5 dot test; SCHOOL - Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.

- 1) Test exercises for the MOST (Motorcycle Operator Skill Test), for both class L and class M, shall consist of the following: sharp turn (path, balance), accelerating in a turn (path, time), slowing in a turn (path, time), normal stop (skid, position), turning speed selection (time, path), quick stop-straight (distance, speed), obstacle turn (speed, course), quick stop-curb (path, distance).

- 21) Test exercises for the ALMOST (Alternate Motorcycle Operator Skill Test), MiniMOST and Space-Modified ALMOST Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test for both class L and class M, shall consist of the following: stalling, shifting, (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).

- 32) Test exercises for the PRESENT and SCHOOL 5 dot test for both class L and class M, shall consist of the following: knowledge of controls, Figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.

- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, he/she is assessed a point or points based upon the severity of the error. Applicant for a class A, B, C, D, religious organization vehicle endorsement, school bus driving permit are allowed thirty (30) points. Classes L and M, PRESENT and SCHOOL evaluations, shall be allowed twenty (20) points. A class L and M MOST, ALMOST and MiniMOST evaluation, shall be allowed fifteen (15) points. Applicants for a CDL or Non-CDL A, B, C, or D classified license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a second division school bus permit are allowed 40 points. Applicants for a first division school bus permit are allowed 36 points. Applicants for a class L or M license taking the ALMOST, MiniMOST, or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation, shall be allowed 15 points. Applicants for an L or M license taking the 5 dot test shall be allowed 10 points.

- h) The following acts will result in immediate disqualification: accident for which the applicant was determined at fault; violation where an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.



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ik) In addition to those acts listed in subsection (b) of this Section, the following acts will result in the applicant's immediate disqualification for a class L or M license: letting the eyes fail or falling off a cycle.

jl) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test, the vehicle develops mechanical problems after the road test has begun, weather conditions make the continuation of the road test hazardous, an accident occurs for which the applicant does not receive a ticket is not at fault.

kl) No persons or pets are allowed to accompany the applicant and examiner on the road test. When necessary, Exceptions shall be made for foreign speaking applicants who may require a translator and. Exceptions shall also be made for the training of and evaluating evaluation of facility personnel.

lk) Any applicant who is suspected by a driver services facility employee of having consumed alcohol and/or drugs must seek the approval of a driver services facility supervisor manager prior to being administered the road test. If a driver services facility supervisor manager has a reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include but not be limited to one or more of the following conditions:

- 1) the applicant admits he/she has consumed alcohol and/or drugs;
- 2) the applicant has a strong odor of alcohol on his/her breath;
- 3) the applicant's eyes are red and the pupils are dilated;
- 4) the applicant's speech is slurred; or
- 5) the applicant is unsteady when walking.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1030. APPENDIX A: Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license:

- 1) Is your driver's license or privilege to obtain a license suspended, revoked, cancelled or refused in any State under this or any other name? (If yes, a letter of clearance is required.)

- 2) Is your driver's license being held by a court in lieu of bail?
  - 3) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court orders and/or a physician's statement will be required.)
  - 4) Do you have any condition which might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
  - 5) Do you have any mental or physical condition which might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
  - 6) Do you use any drug, including prescription medication, or alcohol to the extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
  - 7) Do you wear: Glasses \_\_\_\_\_ Telescopic Lenses \_\_\_\_\_ Contact Lenses+ Left \_\_\_\_\_ Right \_\_\_\_\_
- If you are applying for an Identification Card, review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 11.

- 1) Is your driver's license or identification card or privilege to obtain a license or ID card suspended, revoked, cancelled or refused in any State under this or any other name? (If yes, a Letter of Clearance is required.)
- 2) Do you presently hold a valid driver's license or identification card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court orders and/or physician's statement will be required.)
- 5) Do you have any condition which might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
- 6) Do you have any mental or physical condition which might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)



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7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)

8) Are your Commercial Driver's License privileges currently disqualified?

9) During the two year period prior to this date have you:

a) had in your possession more than one driver's license?

b) had a license which has been suspended, revoked, or cancelled?

c) been convicted of an offense which may disqualify you from obtaining a Commercial Driver's License?

d) had a traffic violation arising in connection with an accident or had an accident which was your fault?

10) Do you certify:

a) you are regularly employed in a job requiring operation of a Commercial Motor Vehicle?

b) you have previously taken and passed a skills test, in a properly classified vehicle, given by a State with a classified licensing and testing system or for at least the past two years have you operated a vehicle representative of the class vehicle for which you are applying for a license?

11) Do you certify:

a) you meet the "Qualifications of Drivers" portion of Part 391 of the Federal Motor Carrier Safety Regulations, or:

b) you are not subject to these qualifications because

I understand that my social security number will be disclosed to other States pursuant to the Commercial Motor Vehicle Safety Act of 1986.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Guaranteed Loan Programs

2) Code Citation: 23 Ill. Adm. Code 2720

3) Section Numbers: Proposed Action:

2720.40

Amendment

2720.210

New

4) Statutory Authority: Implementing Public Acts 86-163 and 86-170, effective July 1, 1989; and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments implement an ISAC direct loan program that will provide non-subsidized Stafford Loans to certain eligible borrowers. The proposed rule amendments include the lending criteria by which ISAC will determine which applicants receive a loan. ISAC anticipates this rulemaking will be completed and the loans will be available by July of 1990.

These non-subsidized Stafford loans will be made with capital raised through the issuance of tax-exempt bonds pursuant to the Higher Education Student Assistance Law. As the non-subsidized loan program must generate sufficient income to meet the Commission bond retirement obligations, the proposed lending criteria were designed (in part) to produce a portfolio of loans whose mix will generate a sufficient cash flow to satisfy the Commission's financial obligations. Additionally, the proposed lending criteria are designed to minimize the number of loan defaults and thereby ensure the solvency of the Commission's student loan reserve fund. Once the financial viability of the program is established ISAC will review the lending criteria in hopes of increasing the number of Illinois residents eligible to participate.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No



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9) Are there any other amendments pending on this Part? Yes

Section	Proposed Action	Citation
2720.10	Amendment	13 Ill. Reg. 18222
2720.30	Amendment	13 Ill. Reg. 18222
2720.40	Amendment	13 Ill. Reg. 18222
2720.50	Amendment	13 Ill. Reg. 18222
2720.70	Amendment	13 Ill. Reg. 18222
2720.120	Amendment	13 Ill. Reg. 18222

10) Statement of Statewide Policy Objectives: Not applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Mr. Larry E. Matejka  
Executive Director  
ILLINOIS STUDENT ASSISTANCE COMMISSION  
106 Wilmet Road  
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: Proprietary institutions which participate in the guaranteed loan programs may be small businesses. The proposed amendments do not increase the reporting and bookkeeping procedures presently required of the proprietary institutions. The Business Assistance Office of the Department of Commerce and Community Affairs was advised of the proposed amendments in a letter dated January 22, 1990.

The full text of the Proposed Amendment begins on the following page:

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720  
GUARANTEED LOAN PROGRAMS

SUBPART A: Loan Guaratee Programs:  
THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,  
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Institutional Eligibility
2720.30	Procedures for Obtaining a Guaranteed Loan
2720.40	Procedures for Disbursement and Repayment
2720.50	Consolidation Loan/uniload Program
2720.55	Preclaim Assistance
2720.60	Reimbursement Procedures
2720.70	Student Insurance Premium
2720.80	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
2720.105	IDAPP Eligible Loans
2720.120	IDAPP Eligible Lenders
2720.130	

SUBPART C: ISAC ORIGINATED LOANS

Section	Summary and Purpose
2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Higher Education Loan Program (IHLEP)

APPENDIX A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.10 et seq. the Education Loan Purchase Program Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.10 et seq. as amended by P.A. 85-1398, effective July 1, 1988), Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**SOURCE:** Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2720.40 Procedures for Obtaining a Guaranteed Loan**

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee and an application/promissory note form. All promissory notes must be in the form furnished by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.
- b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.
- 2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.
- c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.
- d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.
- e) The application/promissory note must be signed in ink. Signature stamps shall not be used.
- f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.
- 1) If a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loans(s) with a prior Lender, the following provisions apply:
  - A) A subsidized Stafford Loan will be guaranteed if the Lender has purchased all outstanding subsidized Stafford Loans.
  - B) A non-subsidized Stafford Loan will be guaranteed if the Lender has purchased all outstanding non-subsidized Stafford Loans.
  - C) B+ A PLUS loan will be guaranteed if the Lender has purchased all outstanding PLUS Loans made on behalf of the same student.
  - D) e+ A SLS loan issued by a commercial Lender will be guaranteed if the Lender has purchased all outstanding SLS Loans made by another commercial Lender.



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E(B)† A SLS loan issued by an educational Lender will be guaranteed if the Lender is an educational Institution at which the borrower is Enrolled and the borrower has not previously obtained a SLS loan through a commercial Lender.

2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, a subsequent loan will be guaranteed provided:

(A) the renewal loan is issued by the same Lender that issued the previous loans; and

(B) the Lender sells the renewal loan to the Holder. The Lender must sell the loan by the ending loan term date or May 1 following the guarantee date, whichever is earlier. Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

3) The requirements of subsection (f)(1) shall not apply if:

(A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.

(B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

g) Co-maker and Co-signers

1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.

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2) The Lender shall not require a co-maker or co-signer on a subsidized Stafford Loan nor accept security for payment thereof.

h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Amended at 14 Ill. Reg. , effective )

Section 2720.210 Illinois Higher Education Loan Program (IHELP)

a) ISAC shall serve as a direct lender of non-subsidized Stafford Loans through an activity known as the Illinois Higher Education Loan Program (IHELP).

b) Each recipient of an IHELP loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078 et seq.)

c) In addition to the eligibility criteria established by federal law for all Stafford loan borrowers, each recipient must satisfy the following requirements to receive an IHELP loan.

1) Each borrower must be a Full-time student who is Enrolled in a degree program. The borrower must be classified at an Academic Level of sophomore or above in the degree program. The Institution shall verify the borrower's enrollment status prior to disbursement.

2) Each borrower must be a Resident of Illinois. For purposes of this Part, an Applicant for an IHELP loan is a Resident of Illinois notwithstanding the Applicant's temporary absence from the State in order to enroll at an out-of-state Institution.

3) The IHELP program shall have a minimum loan size of \$1000 per Academic Year.



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- 4) No Applicant may receive an IHELP loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No Applicant may receive an IHELP loan unless the Institution's financial aid administrator determines the borrower needs an IHELP loan to finance his/her education. See, e.g. Title IV, Part F of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1087 kk et seq.)

- d) The receipt of an IHELP loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine Applicant eligibility on the basis of an application receipt date.

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Older Americans Act Programs
- 2) Code Citation: 89 Ill. Adm. Code 230
- 3) Section Numbers: Adopted Action:  
230.45 Amendment
- 4) Statutory Authority: Ill. Rev. Stat., Ch. 23 Sections 6104.01(4), (11) & (12); and 6105.02
- 5) Effective Date of Amendment(s): January 25, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 7) Does this amendment contain incorporations by reference? NO
- 8) Date Filed in Agency's Principal Office: January 24, 1990
- 9) Notice of Proposal Published in Illinois Register:  
September 22, 89 Ill. Reg. 14499  
(issue date)

- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)?  
NO

- 11) Difference(s) between proposal and final version:

In response to comments from the Joint Committee on Administrative Rules, the following changes have been made:

Section 230.45(f)(2)(H): "for" has been changed to "from".

Section 230.45(g): in the first sentence, "Area Agencies on Aging for their respective" has been inserted before "PSAs" and "funds from" has been inserted before "a source of funds"; and, in the second sentence, "for" has been changed to "from".

Sections 230.45(g)(1) and (g)(2): "Area Agencies on Aging for their respective" has been inserted before "PSAs".

In response to comments from the Administrative Code Unit, in Section 240.45(g)(2) "will receive will receive" has been changed to "will receive".

- 12) Have all changed agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? YES



13) Will this amendment replace an emergency amendment currently in effect?  
NO

14) Are there any proposed amendments pending on this Part? NO

15) Summary and Purpose of Amendment(s):

Periodic review and updating of the state's intrastate funding formula is required by the Older Americans Act (45 CFR 1321.37). The Illinois Association of Area Agencies on Aging, which includes all thirteen Area Agencies on Aging in Illinois, requested the Department to revise the methodology used in the formula for allocating increases and/or decreases in funds by specific funding source. Through these amendments, the Intrastate Funding Formula utilized by the Department for distribution of funds to the Area Agencies on Aging is revised to assure more equitable distribution in instances of increases or decrease from specific funding sources.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Melvin E. Koch  
Policy and Rules Analyst  
Address: Illinois Department on Aging  
421 East Capitol Avenue  
Springfield, IL 62701  
Telephone: (217) 785-3356

The full text of the Adopted Amendment(s) begins on the next page:

ILLINOIS REGISTER  
DEPARTMENT ON AGING  
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING  
PART 230  
OLDER AMERICANS ACT PROGRAMS  
SUBPART A: STATE AGENCY

Section	Designation and Function
230.10	Administration
230.20	State Plan
230.30	State Agency Requirements
230.40	Advocacy
230.41	Long-Term Care Ombudsman Program
230.42	Service Delivery Systems Responsibilities
230.43	State Advisory Council
230.44	Intrastate Funding Formula
230.45	Hearings
230.46	Designation of Planning and Service Areas
230.47	

SUBPART B: AREA AGENCIES ON AGING

Section	Designation and Function
230.110	Administration
230.120	Area Plans
230.130	Withdrawal of Area Agency on Aging Designation
230.140	Continuity of Services
230.145	Area Agency on Aging Responsibilities
230.150	

SUBPART C: SERVICE REQUIREMENTS

Section	Direct Provision of Services by the Department and Area Agencies on Aging
230.210	Planning, Coordination and Provision of Services Funded Under Other Programs
230.220	Licensure and Safety Requirements
230.230	Provider Requirements
230.240	Services
230.250	

SUBPART D: FISCAL REQUIREMENTS

Section	Types of Allotments
230.310	Limitations on Use
230.320	Service Funding Requirements
230.330	Obligation of Allotments
230.340	



## NOTICE OF ADOPTED AMENDMENTS

230.350 Maintenance of Effort: Non-Federal Share  
 230.360 General Financial and Compliance Requirements  
 230.361 Purpose of Financial and Compliance Audits  
 230.362 Audit Engagement Letter  
 230.363 Distribution of the Cost of a Unified Audit  
 230.364 Scope of the Financial and Compliance Audit  
 230.365 Audit Reports  
 230.370 Program and Financial Reviews

## SUBPART E: HEARINGS

Section  
 230.410 Hearing Before the Department  
 230.420 Hearing Before the Area Agency on Aging  
 230.430 Non-applicability of Hearing Requirements  
 230.440 Arrangements for Hearings

## SUBPART F: TITLE III-D

Section  
 230.510 Target Population  
 230.520 Eligibility Criteria  
 230.530 Eligibility Determination  
 230.540 Allowable Services  
 230.550 Maintenance of Effort  
 230.560 Coordination of Services  
 230.570 Distribution of Funds  
 230.580 Area Agency on Aging Administration

AUTHORITY: Implementing the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, pars. 6101 et seq.) and the Older Americans Act (42 U.S.C.A., 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, par. 6104.01).

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985; amended at 10 Ill. Reg. 5787, effective March 27, 1986; recodified at 10 Ill. Reg. 7653; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 15869, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 12540, effective July 15, 1988, for a maximum of 150 days, emergency expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. 20299, effective December 15, 1989; amended at 14 Ill. Reg. 2308, effective January 25, 1990.

NOTE: Capitalization denotes statutory language.

## NOTICE OF ADOPTED AMENDMENTS

## Section 230.45 Intrastate Funding Formula

The Department following consultation with all area agencies on aging in the State shall develop and utilize an intrastate funding formula which meets the requirements specified in 45 CFR 1321.37.

a) The Department shall allocate Title III Older Americans Act funds and state General Revenue Funds appropriated for distribution to the thirteen Area Agencies on Aging on a formula based in accordance with Older Americans Act requirements.

b) For purposes of this Section, the following terms have the meanings specified:

"Base" means the current year's allocation for each source of funds (e.g., Title III-B, Title III-C1, Title III-C2, Title III-D, GRF Match, GRF Home Delivered Meals, etc.) distributed by the Department to the thirteen Area Agencies on Aging for their respective Planning and Service Areas. Each Area Agency on Aging has a "base" level for each source of funds it receives from the Department to be administered through the Area Plan on Aging.

"Bureau of the Census" means the Bureau of the Census, U.S. Department of Commerce.

"Floor" means a guaranteed minimum funding level that is activated only when the allocation to a particular Planning and Service Area falls below the predetermined level upon application of the funding formula. For the purpose of this Section, the applicable "floor" for each PSA is:

PSA	FLOOR
01	\$ 1,919,531
02	3,080,730
03	2,115,886
04	1,229,409
05	2,789,584
06	827,357
07	2,055,216
08	2,115,878
09	866,666
10	863,282
11	1,898,935
12	10,609,947
13	4,343,489

"Housing unit" means a house, an apartment, a group of rooms,



## NOTICE OF ADOPTED AMENDMENTS

or a single room occupied as a separate living quarters.

"Living alone" means being the sole resident of a housing unit.

"Minority group" means those persons who identify themselves as belonging to a particular ethnic/racial grouping as classified in the Bureau of the Census publication PC80-1-C15.

"PSA" means a Planning and Service Area which is designated pursuant to Section 230.47.

"Poverty threshold" means the income cutoff which determines an individual's poverty status as defined in Bureau of the Census publication PC80-1-C15.

"Rural area" means a geographic location not within a Standard Metropolitan Statistical Area (SMSA) as defined in Bureau of the Census publication PC80-1-C15.

c) In order for a particular factor to be included in the intrastate funding formula, it must:

- 1) be derived from data which is quantifiable by PSA;
- 2) be based on data which is derivable from the Bureau of the Census; and
- 3) characterize at least 5 percent of the state's population 60 years of age and older.

d) The formula contains the following factors:

- 1) The number of the state's population 60 years of age and older in the PSAs as an indicator of need in general (60+ population).
- 2) The number of the state's population 60 years of age and older at or below the poverty threshold in the PSAs as an indicator of greatest economic need (GEN -60+ Poverty).
- 3) As indicators of greatest social need, the number of the state's elderly in the PSAs who are:
  - A) sixty (60) years of age and over and a member of a minority group (GSN -60+ Minority);
  - B) sixty (60) years of age and over and living along (GSN -60+ Living Alone);

## NOTICE OF ADOPTED AMENDMENTS

C) seventy-five (75) years of age and over (GSN -75+ Population).

4) The number of the state's population 60 years of age and older residing in rural areas of the PSAs as a means of assuring that the State will spend an amount equal to or not less than 105% of the amount expended for services to rural elderly in federal FY 78.

e) The funding formula factors are weighted as follows:

- 1) 60+ Population 45.0%
- 2) Greatest Economic Need: (60+ Poverty) 25.0%
- 3) Greatest Social Need: (60+ Minority - 10.0%) (60+ Living Alone - 10.0%) (75+ Population - 5.0%) 25.0%
- 4) 60+ Rural 5.0%

f) The intrastate funding formula is:

- 1)  $A = (.45 \text{ POP-60} + .25 \text{ POV-60} + .10 \text{ MIN-60} + .10 \text{ LA-60} + .05 \text{ POP-75} + .05 \text{ RUR-60}) \times \text{I}$
- 2) Where:

- A) A = Funding allocation from a specific source of funds to a particular PSA
- B) POP-60 = Percentage of the state's population within the particular PSA age 60 and older.
- C) POV-60 = Percentage of the state's population within the particular PSA age 60 and older at or below the poverty threshold.
- D) MIN-60 = Percentage of the state's population within the particular PSA age 60 and older and a member of a minority group.
- E) LA-60 = Percentage of the state's population within the particular PSA age 60 and older and living alone.
- F) POP-75 = Percentage of the state's population within the particular PSA age 75 and older.



## NOTICE OF ADOPTED AMENDMENTS

G)  $RUR-60 = \text{Percentage of the state's population within the particular PSA age 60 and older not residing in SMSA}$

H)  $I = \text{The total amount of funds appropriated from a specific source of funds.}$

g) In the event that a PSA's funding allocation, as calculated by the funding formula in subsection (f)(1), is less than the floor allocation for that PSA, as defined in subsection (b); then that PSA will receive the floor allocation; and the funding for any PSA remaining above the floor would be calculated by applying the formula to the total statewide funds less the amounts allocated to any PSA by the floor allocation provision of this Section.

g) The base is to be used as the starting point when calculating any increases or decreases in funds from a source of funds to be allocated to the Area Agencies on Aging for their respective PSAs. After the most recent allocation levels have been calculated, the resulting allocation levels from each source of funds become the new base.

1) When the amount of funds appropriated to the Department for allocation to the Area Agencies on Aging for their respective PSAs from any source of funds increases, each PSA will receive its base allocation from that source of funds plus its share of the additional funds. Each PSA's share of the additional funds is calculated by use of the formula delineated in subsection (f)(1).

2) When the amount of funds appropriated to the Department for allocation to the Area Agencies on Aging for their respective PSAs from any source of funds decreases, each PSA will receive its base allocation from that source of funds minus its share of the reduction in funds. The percentage reduction in funds for each PSA will equal the percentage reduction for the source of funds that was reduced.

h) In the event that total funds available for distribution to the PSAs are reduced below the current levels (i.e., the level in effect immediately prior to the effective date of the reduction); the allocation of funds to each PSA will be reduced by a percentage equal to the total reduction of funds. Any subsequent increase in total funds would be directed to restoring any PSAs to the floor level.

ih) The data used in the intrastate funding formula reflects the most current and up-to-date information from the Bureau of the Census, including mid-census estimates when available.

## NOTICE OF ADOPTED AMENDMENTS

i) The only exception to the above provisions will be in instances of a legislatively directed program requiring funding at a designated level for a defined target population. These funds will be distributed in accordance with the prescribed formula stated in the applicable legislation. If there is not a prescribed formula stated in the applicable legislation, the Department has the authority to determine the methodology to be used to distribute the funds.

(Source: Amended at 14 Ill. Reg. 2308, effective January 25, 1990)



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: An Act in Relation to Oil, Gas and Other Surface and Underground Resources

- 2) Code Citation: 62 Ill. Adm. Code 240

<u>Section Numbers</u>	<u>Adopted Action</u>
240.10	Amended
240.20	Repealed
240.30	Repealed
240.40	Repealed
240.50	Repealed
240.60	Repealed
240.70	Repealed
240.80	Repealed
240.90	Repealed
240.100	Repealed
240.110	Repealed
240.120	Repealed
240.140	New
240.150	New
240.160	New
240.170	New
240.180	New
240.190	New
240.195	New
240.230	Amended

- 4) Statutory Authority: Implementing and authorized by Section 6 and 8a of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, pars. 5409 and 5413).

- 5) Effective Date of Amendments: January 25, 1990

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: January 25, 1990

- 9) Notice of Proposed Amendments Published in the Illinois Register:

September 29, 1989, 13 Ill. Reg. 15226

- 10) Has JCAR issued a Statement of Objections to these Rules? No

- 11) Difference(s) between proposal and final version:

- a) The headings for Sections 240.20, 240.30, 240.40, 240.50, 240.60,

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

240.70, 240.80, 240.90, 240.100, 240.110, 240.120, 240.820, and 240.1130 in the table of contents agree with the text.

- b) The Section number listed as "40.1340" has been corrected to "240.1340."

- c) The quotation marks have been deleted from the title of the Act in line 3 of the authority note, and also line 4 of the authority note "1989" has been changed to "1988 Supp."

- d) All definitions in Section 240.10 have been moved one inch to the left.

- e) In the definition of "The Act" in line 5, "1989" has been changed to "1988 Supp."

- f) In Section 240.10, we have changed "Annular injection/disposal well" to "Annular or casing injection/disposal well" and have changed the definition as well.

- g) In the definition of "Class II UTC Well" the labels have been deleted from the subsections and have been indented to the second level of subsections.

- h) In the definition of "Plug or Plugging" "these rules" were changed to "this Part".

- i) In Section 240.140 and 240.160 the word "operator" has been changed to "permittee".

- j) In Section 240.140(a)(2) "from the date of the determination that the permittee is in violation" has been added at the end of the sentence.

- k) In Section 240.140(c)(1) "from the Department a well required to be permitted under the Act" has been added at the end of the sentence.

- l) In Section 240.140(c)(3), 240.160(c)(2) and 240.170(a)(2), "sufficient" has been changed to "required".

- m) In Section 240.150 "A person cannot be held liable under Section 240.160(d) in the absence of notice of the issuance of the underlying notice of violation." has been added at the end of the sentence.

- n) In Section 240.160(c)(2) "Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations." has been added at the end of the sentence.



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

- o) In Section 240.160(c)(3) in line 1 after "Department", "a well required to be permitted under the Act or operating an annular or casing" has been added to this sentence.
- p) In Section 240.160(d), in line 1, "responsible" has been added before "person"; and in line 3, "after notice" has been added after the word "subject".
- q) In Section 240.160(f) and Section 240.170(f), the statutory citation has been deleted.
- r) In Section 240.170(a)(2), in line 9, "Drilling or operating without a permit from the Department a well required to be permitted under the Act," has been added.
- s) In Section 240.170(b), "(Section 19.1 of the Act)" has been added at the end of the sentence.
- t) In Section 240.180(a), in line 7, "an interest-bearing escrow account" has been added to the sentence; and in line 8, "The assessed amount, together with any interest, shall be returned to the person or permittee at the conclusion of the hearing if the Department does not prevail." has been added.
- u) In Section 240.180(b), in line 1, "a corporate officer, director and/or stockholder" has been changed to "person".
- v) In Section 240.180(c), in line 5 "the Director of the Department, or anyone designated by him for such purpose and" has been changed to "a hearing officer under contract with the Department".
- w) In Section 240.180(c)(1)(D), we have labeled the paragraph to "E"; and in Section 240.180(c)(1)(E) "Department's offices, located at 300 West Jefferson Street, Suite 300, Springfield, Illinois." has been changed to "at the place designated by the hearing officer".
- x) In Section 240.180(c)(3) "1989" has been changed to "1987" and "96 1/2" to "127". Also in this Section, you requested that we use "and" or "or" instead of "and/or"; however we have requested to use "and/or" and have approved this with the Administrative Code Division; and in line 11, "all parties agree" has been changed to "facilities are available and convenient satisfactory to the Department."
- y) In Section 240.180(c)(4), "The person or permittee shall have the right to challenge the hearing officer if the person or permittee

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- believes the hearing officer is prejudiced against him or has a conflict of interest. If the hearing officer disqualifies himself, the Director shall designate a new hearing officer. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case" has been added to the end.
- z) In Section 240.180 (d) and Section 240.190(c) and (d), the statutory language has been deleted.
- 12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s):  
These proposed amendments make changes to the Illinois Oil and Gas Act, effective January 1, 1990 as follows:
1. Implements the changes to the definitions mandated by amendments to the Illinois Oil and Gas Act as well as to attempt to improve the clarity of the Department's rules;
  - 2) to repeal the redundant rules;
  - 3) outline the procedures for identifying violations of the Illinois Oil and Gas Act that do not require formal action by inspectors or other authorized employees or agents of the Department;
  - 4) outline the grounds for the issuance of notices of violation by inspectors or other authorized employees or agencies of the Department. Also outline the contents of such notices of violations;
  - 5) set forth administrative process occurring after the issuance of a notice of violation; (issuance of the Director's decision, provide a procedural framework for modifying the notice of violation to include an array of additional remedies, including the imposition of civil penalties;
  - 6) outline the process for the issuance of cessation orders in the event that a notice of violation is not abated or if the Department determines the existence of an imminent danger situation requiring the cessation of oil production and/or underground injection;
  - 7) set forth the Department's hearing procedures for contesting a Director's decision or a cessation order;
  - 8) outline the Department's procedures for granting temporary relief to an operator from a cessation order;



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- 9) outline the Department's procedures for issuing subpoenas during the course of hearings initiated in accordance with the Illinois Oil and Gas Act.
- 10) set forth requirements for geological or structural test hole permits.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch  
General Counsel

Address: 300 W. Jefferson, Suite 300  
P.O. Box 10137  
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

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TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240  
AN ACT IN RELATION TO OIL, GAS AND OTHER  
SURFACE AND UNDERGROUND RESOURCES

## SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

SUBPART B: PERMITS AND PROCEDURES FOR UNDERGROUND  
INJECTION CONTROL

Section	
240.210	General Provisions
240.220	Application for Permit to Drill, Deepen or Convert Well
240.230	Application for Permit for Geological or Structural Test Hole
240.240	Permits for Salt Water Disposal or for Gas, Air, Water, or other Liquid Input Wells
240.250	Permit Requirements in Mine Areas
240.255	Underground Injection and Disposal Projects
240.260	Application for Approval of Enhanced Recovery Projects
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations
240.280	Operating Requirements for Enhanced Recovery Injection and Disposal Wells



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- 240.290 Monitoring and Reporting Requirements for Enhanced Recovery  
Injection and Disposal Wells
- 240.295 Duration of Underground Injection Well Orders

## SUBPART C: BONDS

- Section
- 240.310 When Bonds Required--Amount
- 240.320 Kind of Bond--Execution
- 240.330 Bond of Manager
- 240.340 Bond Form--Approval
- 240.350 Surety May Cancel Bond
- 240.360 Mining Board May Cancel Bond
- 240.370 Casing Puller's Bond

## SUBPART D: SPACING OF WELLS

- Section
- 240.410 General Spacing Rules
- 240.420 Secondary Recovery
- 240.430 Nonconforming Wells to be Plugged

## SUBPART E: FILING OF LOGS AND WELL INFORMATION

- Section
- 240.510 Return of Completion Care
- 240.520 Well Log to be Filed
- 240.530 Contents of Well Log
- 240.540 Collection of Drill Cuttings

## SUBPART F: IDENTIFICATION OF LEASES AND TRANSFER OF MANAGEMENT

- Section
- 240.610 Lease and Well Identification
- 240.620 Transfer of Management

## SUBPART G: WASTE PROHIBITED

- Section
- 240.710 Avoidable Waste of Gas
- 240.720 Escape of Unburned Gas Prohibited
- 240.730 Burn-Off Pits
- 240.740 Lease Tank Reservoirs
- 240.750 Fire Hazards at Well Locations

## SUBPART H: PROTECTION OF WORKABLE COAL BEDS

Section

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- 240.805 Introduction
- 240.810 Workable Coal Beds Defined
- 240.820 Mining Board may Determine Presence of Coal Seams
- 240.830 Well Locations Prohibited
- 240.840 Notice to Mining Board
- 240.850 Casing and Protective Work
- 240.860 Operational Requirements Over Active Mine

SUBPART I: AVOIDANCE OF FRESH WATER POLLUTION AND  
DISPOSAL OF SALT WATER OR OTHER LIQUIDS TO  
PREVENT WASTE AS DEFINED IN THE ACT

- Section
- 240.905 Introduction
- 240.910 Disposal in Underground Stratum
- 240.920 Disposal in Earthen Pits
- 240.930 Pipes to be Kept in Repair
- 240.940 Slush and Mud Pits
- 240.950 Rotary Drilling Procedure
- 240.960 Cable Tool Drilling Rules
- 240.970 Mining Board Supervision
- 240.980 Yearly Inspection--of Pits--Revocation of Permits--Orders for  
Corrective Action and Other Disposal

## SUBPART J: VACUUM

- Section
- 240.1005 Requirements for Use of Vacuum Pumps
- 240.1010 Application for Use of Vacuum
- 240.1020 Notice and Hearing on Application
- 240.1030 Mining Board Authority

## SUBPART K: PLUGGING OF WELLS

- Section
- 240.1105 Plugging of Non-Productive Wells
- 240.1110 Mining Board Supervision
- 240.1120 When Well to be Plugged
- 240.1130 Prior Notice to Mining Board Representatives
- 240.1140 Owner to Furnish Well Log
- 240.1150 Plugging Methods and Procedures
- 240.1160 Converting to Water Well
- 240.1170 Restoration of Surface
- 240.1180 Extension of Time to Plug Well
- 240.1190 Filing Plugging Affidavit

## SUBPART L: VALIDITY OF RULES



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## Section

## 240.1200 Severability

## SUBPART M: OIL FIELD BRINE HAULING

## Section

240.1310 Authority, Policy and Purpose

240.1320 Definitions

240.1330 Oil Field Brine Haulers Permit

240.1340 Applications for Brine Hauling Permit Shall Include the Following:

240.1350 Applications for Oil Field Brine Hauling Permits--Signatures and Authorization

240.1360 Oil Field Brine Hauling Permit Conditions

240.1370 Inspection of Vehicles

240.1380 Transfer of Permits

240.1385 Revocation of Oil Field Brine Hauling Permit

240.1390 Records and Reporting Requirements

240.1395 Bonds--Blanket Surety Bond

**AUTHORITY:** Implementing and authorized by Sections 6 and 8a of "An Act in relation to oil, gas, coal and other surface and underground resources and to repeal an Act herein named" the Illinois Oil and Gas Act (Ill. Rev. Stat. 1985 1988 Supp., ch. 96 1/2, pars. 5409 and 5413).

**SOURCE:** Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(NOTE: Capitalization denotes statutory language.)

## SUBPART A: GENERAL PROVISIONS

## Section 240.10 Definitions

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and/or packer.

"Cement"--As used herein shall mean Portland or "neat" cement.

"Class II UTC well"-- means a well into which fluids are injected:

which are brought to the surface in connection with natural gas

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storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and'

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Convert"--shall mean to change an oil or gas producing well, or a temporarily abandoned well to a well for injection of gas, air, water or other liquids, or any combination thereof, or to change an injection well to an oil or gas producing well.

"Department"--means the Department of Mines and Minerals of the State of Illinois.

"Development"--shall mean any work or operation on or appurtenant to the oil and gas leasehold premises, which actively looks toward the drilling of wells for oil or gas, or the discovery of or bringing in production.

"Directional Drilling"--shall mean the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Disposal Well"--means a well into which injects-for-purposes-other than--enhanced--recovery--those fluids brought to the surface in connection with oil or natural gas production are injected for purposes other than enhanced recovery.

"DRILLING UNIT"--SHALL MEAN THE SURFACE AREA ALLOCATED BY AN ORDER OR REGULATION OF THE MINING BOARD TO THE DRILLING OF A SINGLE WELL FOR THE PRODUCTION OF OIL OR GAS FROM AN INDIVIDUAL POOL.

"Enhanced Recovery Injection Well"--means a well into which injects fluids are injected to increase the recovery of hydrocarbons.

"Fresh Water"--shall mean surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids and/or less than 5,000 ppm chlorides.

"Lease Tank"--shall mean the tank or other receptacle into which oil is produced either directly from a well or from a well through a gas



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separator, gun barrel or similar equipment.

"Log"--Shall mean the systematic detailed written record correctly describing the strata and formations progressively encountered in the drilling of a well for oil or gas, including water, oil and gas formations or other underground resources, with such additional data as is usually recorded in the normal procedure of a drilling, including electric surveying or logging.

"Mining--Board--Representative"--When--used--herein--shall--mean--any employee--of--the--Department--of--Mines--and--Minerals--of--the--State--of--Illinois--who--is--qualified--by--training--and--experience--and--is authorized--by--the--Director--in--writing--to--perform--in--his--stead--the powers--and--duties--set--forth--in--the--aforementioned--Act--which--do--not require--the--exercise--of--administrative--discretion--or--that--may--be prescribed--by--the--Rules--or--Orders--of--the--Mining--Board--adopted--or promulgated--pursuant--thereto.

"Mud-Laden Fluid"--Shall mean any approved mixture of water and clay or other suitable material as the term is commonly used in the industry which will effectively seal the formation to which it is applied.

"Oil String"--Shall mean that string of casing placed in a well and used for the purpose of segregating the horizon or formation from which production is obtained and affording a means of bringing the oil or gas from such productive horizon or formation to the surface.

"Pattern Flood"--Shall mean a definite geometric arrangement of the input wells and the producing oil wells with a constant distance between the input and oil wells for any definite pattern.

"Permit"--means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated.

"Permittee"--means the person or entity holding the permit and listed on the bond as principal.

"Plug or Plugging"--Shall mean the abandoning of a producing, nonproductive or nonoperative well; or the stopping of the flow of oil, gas, or water in a well in accordance with Subpart K of this Part.

"Pollution"--For the purpose of these rules, pollution shall mean no movement of fluid into an underground source of drinking water so as to create a significant risk to the health of persons.

"Repressure"--Shall mean to increase the reservoir pressure by the

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introduction of gas, air or water or other fluid into the reservoir.

"Rotary Drilling"--Shall mean the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Secondary Recovery"--Shall mean the recovery obtained by any method whereby oil and gas is produced by augmenting the natural reservoir energy.

"Shooting"--Shall mean the exploding of nitroglycerin or other high explosives in a well hole for the purpose of discovering or increasing the production of oil or gas therefrom or in perforating or parting the pipe therein.

"Special Mud Materials"--Shall mean weighing material such as barium sulphate sulfate, Bentonitic clays, salt-resistant clays, filtration reduction agents and fibrous materials.

"Storage Well"--A well used to inject for storage purposes hydrocarbons which are liquid at standard temperature and pressure.

"The Act"--When used herein shall refer to and mean the provisions of "An--Act--in--relation--to--oil--gas--coal--and--other--surface--and--underground--resources--and--to--repeal--an--Act--herein--named" the Illinois Oil and Gas Act (Ill. Rev. Stat. 1984 1988 SUPP., ch. 96 1/2, pars. 5401 et seq.) of the General Assembly of the State of Illinois, as amended.

"Undeveloped Limits of a Mine"--The undeveloped limits of a mine are that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"--Shall mean pressure which is reduced below the pressure of the atmosphere.

"Waste Liquids"--Shall mean oil field brines, cut oil, bottom sediments, concentrated sulphur water and acid waters.

"Well"--Shall mean any well drilled for the purpose of discovering oil or gas, or for any other purpose in connection with the exploration and production of the same including gas, air and water input wells.

(Source: Amended at 14 Ill. Reg. 2317, effective January 25, 1990)

Section 240.20 Prevention of Waste



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All owners, managers, contractors, drillers, service companies, pipe pulling and salvage contractors or other persons drilling, casing or plugging oil or gas wells in this State shall at all times conduct their operations and drill, case, plug and abandon the same in the manner set forth by the Act or as hereinafter provided, so as to prevent waste or the escape of oil or gas out of one stratum to another, prevent the intrusion of water into oil, gas, or coal strata, and prevent the pollution of fresh water supplies by oil, gas, salt water, or sulphur bearing water.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.30 Jurisdiction

As provided in the Act, the Mining Board shall have jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of the Act.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.40 Enforcement of Act

The Mining Board of the Department of Mines and Minerals of the State of Illinois, being charged with the duty of enforcing the provisions of the Act and all valid Rules and Orders adopted and promulgated pursuant thereto, may enforce or cause same to be enforced by action initiated by the Oil and Gas Division of the Department of Mines and Minerals.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.50 Delegation of Authority

The Mining Board may authorize in writing any employee of the Department therein designated Mining Board Representative) qualified by training and experience, to perform in his stead the powers and duties set forth in the Act, which do not require the exercise of administrative discretion, or that may be prescribed by the Rules or Orders of the Mining Board adopted and promulgated pursuant thereto.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.60 Right of Inspection

Any authorized Mining Board Representative shall have the right at all times to go upon and inspect any oil and gas leasehold premises or property

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where drilling operations are or have been conducted, or from which oil or gas is being produced, for the purpose of making any investigation or tests to ascertain whether the provisions of the Act or the Rules or Orders of the Mining Board are being complied with, and shall make due and timely report of any violation thereof.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.70 Right of Access

Any authorized Mining Board Representative shall have access to all well records wherever located. All persons having the custody or jurisdiction of the same shall permit the authorized Mining Board Representative to come upon any leasehold or other premises or property operated or controlled by them and have access at all times to, and inspect records pertaining to the drilling, completion, operation or plugging of any well drilled in this State, provided always that any information so obtained shall be considered confidential, and reported to, and only to the Oil and Gas Division in the Department of Mines and Minerals; except that, any information so obtained may be presented as evidence in any proceeding concerned with any alleged violation of the Act or any valid Rule or Order adopted or promulgated pursuant thereto.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.80 Sworn Statements

The Mining Board shall require sworn statements or affidavits when it is deemed to be expedient or necessary to effectuate the provisions of the Act. When such sworn statements or affidavits are required the same shall be sworn to before an officer or person authorized to administer oaths in the state where oath is taken.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.90 Additional Reports

When requested in writing by the Mining Board, any oil well servicing company or other person or persons in the control or custody thereof, shall furnish and file with said Division any reports and records showing gun perforation, squeeze cementing, shooting or chemical treatment of any well or wells, which information shall also be considered as confidential, except when presented as legal evidence in any court proceedings concerned with any alleged violation of the Act or any valid Rule or Order adopted or promulgated pursuant thereto.



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(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.100 When Rules Become Effective

All rules herein shall be in full force and effect when adopted and promulgated by the Mining Board, after notice and hearing as provided by the aforementioned Act, except as the same way hereafter be amended, modified, altered or enlarged in the same manner by the Mining Board.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.110 Notice of Rules

When the Mining Board issues any order under its Rules, or under the Act, and mails a copy of the same by registered mail to the owner or manager concerned, with return receipt requested, it shall constitute legal notice of any such order of the Mining Board.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.120 Forms

The Oil and Gas Division of the Department of Mines and Minerals shall prescribe and prepare all forms required under the Rules herein and, when requested, shall furnish requisite copies of either thereof to any interested person requiring use of the same.

(Source: Repealed at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.140 Violations Not Requiring Formal Action

- a) WHEN AN INSPECTOR OR OTHER AUTHORIZED EMPLOYEE OR AGENT OF THE DEPARTMENT DETERMINES THAT ANY PERMITEE IS IN VIOLATION OF ANY REQUIREMENT OF THIS ACT OR THE RULES ADOPTED HEREUNDER OR ANY PERMIT CONDITION, AND THE INSPECTOR OR OTHER AUTHORIZED EMPLOYEE OR AGENT ALSO FINDS: (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413)

- 1) that the violation was not caused by the permittee's lack of due care;
- 2) that any action necessary to abate the violation was commenced immediately and was or will be completed within a

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specified date certain not to exceed 30 days from the date of the determination that the permittee is in violation; and

- 3) that the violation has not caused and cannot reasonably be expected to cause significant environmental harm or damage to property;

the violation shall be noted on an inspection report without the need for the issuance of a notice of violation pursuant to Section 240.150. The inspection report shall indicate the nature and circumstances of the violation, and the time within which and the means by which the violation is to be abated. A copy of the inspection report shall be delivered to the permittee or his representative at the time it is prepared, and the original shall be forwarded to the Director or his designee.

- b) If, following investigation, the Director or his designee determines that the findings were incorrect or that abatement was not completed as specified in the inspection report, the Director or his designee shall issue a notice of violation in accordance with Section 240.150 and/or a cessation order in accordance with Section 240.170.

- c) The provisions of this Section shall not apply to the following violations:

- 1) Drilling or operating without a permit from the Department a well required to be permitted under the Act;
- 2) Operating an annular or casing injection/disposal well; and
- 3) Failing to maintain required performance bond in force for the wells under permit.

(Source: Added at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.150 Notice of Violation

- a) WHEN AN INSPECTOR OR OTHER AUTHORIZED EMPLOYEE OR AGENT OF THE DEPARTMENT DETERMINES THAT ANY PERMITEE, OR ANY PERSON ENGAGED IN CONDUCT OR ACTIVITIES REQUIRED TO BE PERMITTED UNDER THE ACT IS IN VIOLATION OF ANY REQUIREMENT OF THIS ACT OR THE RULES ADOPTED HEREUNDER OR ANY PERMIT CONDITION, A NOTICE OF VIOLATION SHALL BE COMPLETED AND DELIVERED TO THE DIRECTOR OF THE DEPARTMENT OR HIS DESIGNEE, (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413) except as provided by Section 240.140. A person cannot be held liable under Section 240.160(d) in the absence of notice of the



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issuance of the underlying notice of violation.

b) THE NOTICE OF VIOLATION SHALL CONTAIN:

- 1) A STATEMENT REGARDING THE NATURE OF THE VIOLATION, INCLUDING A CITATION TO THE SPECIFIC SECTION OF THE DEPARTMENT'S RULES OR SECTION OF THE ACT ALLEGED TO HAVE BEEN VIOLATED;
- 2) THE SUGGESTED ACTION NEEDED TO ABATE THE VIOLATION INCLUDING ANY APPROPRIATE REMEDIAL MEASURES TO PREVENT FUTURE VIOLATIONS SUCH AS REPLACEMENT, REPAIR, TESTING, AND REMORKING A WELL AND ANY APPURTENANCES AND EQUIPMENT;
- 3) THE TIME WITHIN WHICH THE VIOLATION SHOULD BE ABATED; AND
- 4) ANY FACTORS KNOWN TO THE PERSON COMPLETING THE NOTICE OF VIOLATION IN AGGRAVATION OR MITIGATION OF THE FACT OF THE VIOLATION AND THE EXISTENCE OF ANY FACTORS INDICATING THAT THE PERMIT SHOULD BE CONDITIONED OR MODIFIED. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413)

c) The Director or his designee shall mail a copy of the notice of violation to the person or permittee charged with the violation(s). The inspector or other employee or agent of the Department issuing the notice of violation shall deliver a copy of the notice to the person or permittee charged with the violation(s), if possible.

d) The person or permittee charged with the violation(s) may provide the Department, in writing, any information in mitigation of the violation(s) on or before fourteen (14) days of the mailing of the notice of violation. Such written information may include a proposed alternative to the Department's suggested action needed to abate the violation.

(Source: Added at 14 Ill. Reg. 2317, effective January 25 1990)

Section 240.160 Director's Decision

a) UPON RECEIPT OF A NOTICE OF VIOLATION, THE DIRECTOR OF THE DEPARTMENT, OR HIS DESIGNEE, SHALL CONDUCT AN INVESTIGATION AND MAY AFFIRM, VACATE OR MODIFY THE NOTICE OF VIOLATION. IN DETERMINING WHETHER TO TAKE ACTION IN ADDITION TO REMEDIAL ACTION NECESSARY TO ABATE A VIOLATION THE DIRECTOR SHALL CONSIDER THE PERSON'S OR PERMITTEE'S HISTORY OF PREVIOUS VIOLATIONS, INCLUDING VIOLATIONS AT OTHER LOCATIONS AND UNDER OTHER PERMITS, THE SERIOUSNESS OF THE VIOLATION, INCLUDING ANY IRREPARABLE HARM TO

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THE ENVIRONMENT OR DAMAGE TO PROPERTY, THE DEGREE OF CULPABILITY OF THE PERSON OR PERMITTEE AND THE EXISTENCE OF ANY ADDITIONAL CONDITIONS OR FACTORS IN AGGRAVATION OR MITIGATION OF THE VIOLATION, INCLUDING INFORMATION PROVIDED BY THE PERSON OR PERMITTEE.

b) MODIFICATION OF THE NOTICE OF VIOLATION MAY INCLUDE:

- 1) ANY DIFFERENT OR ADDITIONAL REMEDIAL ACTIONS NECESSARY TO ABATE THE VIOLATION, AS SET FORTH IN SECTION 240.150(b)(2), AND THE TIME WITHIN WHICH THE VIOLATION MUST BE ABATED;
- 2) THE ASSESSMENT OF CIVIL PENALTIES NOT TO EXCEED \$1,000.00 A DAY FOR EACH AND EVERY ACT OF VIOLATION;
- 3) PROBATIONARY OR PERMANENT MODIFICATION OR CONDITIONS ON THE PERMIT WHICH MAY INCLUDE SPECIAL MONITORING OR REPORTING REQUIREMENTS; AND
- 4) REVOCATION OF THE PERMIT. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413)

c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a) above. If a penalty is assessed by the Department, the penalty shall be computed as follows:

1) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department, the failure to submit information required by the Department pursuant to file reviews and the failure to post lease signs, shall be assessed on a permittee-specific basis. The Department may assess up to \$250.00 for an administrative violation.

2) Operating violations, including, but not limited to, pressure on the annulus, the failure to maintain the well and flow line in a leak-free condition, the failure to maintain lined pits, the failure to configure the wellhead for the inspection of the annulus, the failure to comply with specified permit conditions and the failure to maintain required performance bond in force for the wells under permit, shall be assessed on a permittee-specific basis. The Department may assess up to \$500.00 for an operating violation. Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations.



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3) Drilling or operating without a permit from the Department a well required to be permitted under the Act or operating an annular or casing injection/disposal well shall result in the assessment of up to a \$1,000.00 penalty for each and every such violation. The Department may assess the \$1,000.00 penalty for each day that these violations remained unabated.

d) ANY RESPONSIBLE PERSON WHO WILLFULLY OR KNOWINGLY AUTHORIZED, ORDERED, OR CARRIED OUT ANY VIOLATION CITED IN THE DIRECTOR'S DECISION SHALL BE SUBJECT, AFTER NOTICE, TO THE SAME ACTIONS, INCLUDING CIVIL PENALTIES, WHICH MAY BE IMPOSED ON THE PERSON OR PERMITTEE UNDER THIS SECTION. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413)

e) THE DIRECTOR OR HIS DESIGNEE SHALL SERVE THE PERSON OR PERMITTEE WITH HIS DECISION AT THE CONCLUSION OF HIS INVESTIGATION. THE DIRECTOR'S DECISION SHALL PROVIDE THAT THE PERSON OR PERMITTEE HAS THE RIGHT TO REQUEST A HEARING IN ACCORDANCE WITH SECTION 240.180. THE DIRECTOR'S DECISION AFFIRMING, VACATING OR MODIFYING THE NOTICE OF VIOLATION SHALL BE CONSIDERED SERVED WHEN MAILED CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERSON OR PERMITTEE AT HIS LAST KNOWN ADDRESS. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413)

f) A Director's decision not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.

g) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days of service of the Director's decision.

h) ALL CIVIL PENALTIES ASSESSED AND PAID TO THE DEPARTMENT SHALL BE DEPOSITED IN THE UNDERGROUND RESOURCES CONSERVATION ENFORCEMENT FUND. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413)

(Source: Added at 14 Ill. Reg. 2317, effective January 25 1990)

## Section 240.170 Cessation Order

a) The Department may issue orders requiring the cessation of operations, including the plugging of a well, for either of the

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following reasons:

1) IF, AT THE EXPIRATION OF THE PERIOD OF TIME ORIGINALLY FIXED IN THE DIRECTOR'S DECISION OR AT THE EXPIRATION OF ANY SUBSEQUENT EXTENSION OF TIME GRANTED BY THE DEPARTMENT, THE DEPARTMENT FINDS THAT THE VIOLATION HAS NOT BEEN ABATED, IT MAY IMMEDIATELY ORDER THE CESSATION OF OPERATIONS OR THE PORTIONS THEREOF RELEVANT TO THE VIOLATION.

2) IF THE DEPARTMENT DETERMINES THAT ANY CONDITION OR PRACTICE EXISTS, OR THAT ANY PERSON OR PERMITTEE IS IN VIOLATION OF ANY REQUIREMENT OF THE ACT OR THE RULES ADOPTED THEREUNDER OR ANY PERMIT CONDITION, WHICH CONDITION, PRACTICE OR VIOLATION CREATES AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR AN IMMINENT DANGER OF SIGNIFICANT ENVIRONMENTAL HARM OR SIGNIFICANT DAMAGE TO PROPERTY, ANY AUTHORIZED EMPLOYEE OR AGENT OF THE DEPARTMENT MAY ORDER THE IMMEDIATE CESSATION OF OPERATIONS. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5426) Drilling or operating without a permit from the Department a well required to be permitted under the Act, operating an annular or casing injection/disposal well or operating wells without maintaining the required amount of performance bond in force, constitute conditions, practices or violations mandating the issuance of a cessation order under this subsection.

b) IF A RESPONSIBLE PARTY CANNOT BE READILY LOCATED IN THE JUDGMENT OF THE EMPLOYEE OR AGENT ISSUING THE CESSATION ORDER, THE EMPLOYEE OR AGENT MAY TAKE ANY ACTION HE DEEMS NECESSARY TO CAUSE A CESSATION OF OPERATIONS AND ABATEMENT OF ANY VIOLATION OBSERVED. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5426)

c) THE CESSATION ORDER SHALL BE SERVED BY PERSONAL DELIVERY TO THE PERSON OR PERMITTEE NAMED IN THE ORDER OR BY MAILING IT CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF THE PERSON OR PERMITTEE AS SOON AS IS PRACTICABLY POSSIBLE BUT IN NO EVENT LATER THAN 5 DAYS AFTER ITS ISSUANCE. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5426)

d) The cessation order shall provide that the person or permittee named in the order has the right to request a hearing in accordance with Section 240.180. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed certified mail, return receipt requested, to the person or permittee at his last known address.

e) A CESSATION ORDER ISSUED UNDER THIS SECTION SHALL CONTINUE IN



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EFFECT UNTIL MODIFIED, VACATED, OR TERMINATED BY THE DEPARTMENT. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413) The filing of a request for a hearing under Section 240.180 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.

- f) A cessation order not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Added at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.180 Enforcement Hearings

- a) A PERSON OR PERMITTEE SHALL HAVE 30 DAYS FROM THE DATE OF SERVICE OF THE DIRECTOR'S DECISION OR OF THE CESSATION ORDER TO REQUEST A HEARING. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413) Except as provided in subsection (b), a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department together with a timely request for hearing. The assessed amount shall be held in an interest-bearing escrow account pending the outcome of the hearing. The assessed amount together with any interest, shall be returned to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson Street, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140.

- b) If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty into escrow in order to contest either the amount of the penalty or the fact of the violation.

- c) UPON RECEIPT OF A REQUEST FOR HEARING SUBMITTED IN ACCORDANCE WITH SUBSECTIONS (a) or (b), THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A FORMAL HEARING UPON NOT LESS THAN 5 DAYS WRITTEN NOTICE MAILED TO THE PERMITTEE OR PERSON SUBMITTING THE HEARING REQUEST. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5413) The hearing shall be conducted by the hearing officer under contract with the Department and shall be conducted in accordance with the following procedures:

- 1) A pre-hearing conference shall be scheduled within 30 days of the request for hearing:

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- A) to define the factual and legal issues to be litigated at the administrative hearing;

- B) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each such witness;

- C) to schedule a date for the administrative hearing; and

- D) to arrive at an equitable settlement of the hearing request, if possible.

- E) Pre-hearing conferences under this Section may be conducted via telephone conference if such procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted at the place designated by the hearing officer.

- 2) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of violation or cessation order was issued will be deemed to have waived all right to further review of the violation or civil penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

- 3) All hearings under this Section shall be conducted in accordance with Sections 10, 11, 12, 14 and 15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987 Ch. 127, pars. 1010, 1011, 1012, 1014 and 1015). All hearings under this Section shall be conducted in the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield, Illinois, to the production and/or injection/disposal well identified in the Director's decision or cessation order being contested if facilities are available and convenient satisfactory to the Department.

- 4) At the hearing the Department shall have the burden of proving the facts of the violation alleged in the notice of violation or cessation order at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this



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presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the hearing officer if the person or permittee believes the hearing officer is prejudiced against him or has a conflict of interest. If the hearing officer disqualifies himself, the Director shall designate a new hearing officer. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

- d) THE PERSON OR PERMITTEE'S FAILURE TO REQUEST A HEARING IN ACCORDANCE WITH SUBSECTION (a) SHALL CONSTITUTE A WAIVER OF ALL LEGAL RIGHTS TO CONTEST THE DIRECTOR'S DECISION OR THE CESSATION ORDER, INCLUDING THE AMOUNT OF ANY CIVIL PENALTY ASSESSED. WITHIN 30 DAYS OF THE CLOSE OF THE HEARING RECORD OR EXPIRATION OF THE TIME TO REQUEST A HEARING, THE DEPARTMENT SHALL ISSUE A FINAL ADMINISTRATIVE DECISION, PURSUANT TO SECTION 10 OF THE ACT.

(Source: Added at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.190 Temporary Relief

- a) PENDING THE HOLDING OF A HEARING OR ENTRY OF A FINAL ADMINISTRATIVE DECISION RELATING TO A CESSATION ORDER ISSUED UNDER SECTION 240.170, THE PERSON OR PERMITTEE AFFECTED BY THE DEPARTMENT'S ACTION MAY FILE A WRITTEN REQUEST FOR TEMPORARY RELIEF FROM THE CESSATION ORDER, TOGETHER WITH A DETAILED STATEMENT GIVING REASONS FOR GRANTING SUCH RELIEF. (Ill. Rev. Stat. 1988 supp., Ch. 96 1/2, par. 5413) The person or permittee shall serve the request for temporary relief within 14 days of service of the cessation order.

- b) THE DEPARTMENT SHALL COMMENCE A HEARING WITHIN 5 DAYS AFTER RECEIPT OF A TIMELY REQUEST FOR TEMPORARY RELIEF AND MAY GRANT SUCH RELIEF UNDER SUCH CONDITIONS AS IT MAY PRESCRIBE. IF THE PERSON OR PERMITTEE REQUESTING TEMPORARY RELIEF SHOWS A SUBSTANTIAL LIKELIHOOD THAT THE FINDINGS OF THE DEPARTMENT WILL BE FAVORABLE TO HIM AND SUCH RELIEF WILL NOT ADVERSELY AFFECT THE HEALTH OR SAFETY OF THE PUBLIC OR CAUSE SIGNIFICANT ENVIRONMENTAL HARM OR SIGNIFICANT DAMAGE TO PROPERTY. (Ill. Rev. Stat. 1988 Supp., Ch. 96 1/2, par. 5426)

- c) All hearings under this section shall be conducted in accordance with Sections 10, 11, 12, 14 and 15 of the Illinois Administrative Procedure Act. All hearings under this section shall be conducted

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In the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois.

- d) The Department shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days of the close of the administrative record, pursuant to Section 10 of the Act.

(Source: Added at 14 Ill. Reg. 2317, effective January 25, 1990)

## Section 240.195 Subpoenas

- a) Any party to proceedings brought under Sections 240.130, 240.180 and 240.190 of the Department's rules may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.

- b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.

- c) The hearing officer shall issue subpoenas within 7 calendar days from receipt of a request made in accordance with subsection (b) and shall serve all subpoenas issued by certified mail, return receipt requested.

- d) Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting such relief.

- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from receipt of the motion.

(Source: Added at 14 Ill. Reg. 2317, effective January 25, 1990)

Section 240.230 Application for Permit for Geological or Structural Test Hole

- a) As provided by the Act, the Mining Board Department shall require any person desiring or proposing to drill geological or structural test holes in connection with any operation for the exploration or production of oil or gas, coal or other mineral test holes, water



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supply wells in connection with secondary or enhanced recovery operations, and monitoring, observation or storage wells in connection with any activity regulated by the Department, to secure a permit therefor. In addition to complying with all provisions enumerated herein, the applicant shall give bond for all test holes and wells in such amounts as further required by the Act, and shall also indicate the type of drilling tools to be used and the lowest proposed depth and geological formations to be tested. ~~No~~ The permit fees is required for this these types of test holes or wells are as follows:-

- 1) geological or structural test holes in connection with any operation for the exploration or production of oil and gas or coal or other mineral test holes: \$100.00. per Section or part thereof as delineated by the United States Public Land Survey, not to exceed \$5,000 for any permittee in any calendar year.
- 2) water supply wells in connection with secondary or enhanced recovery operations: \$100.00.
- 3) monitoring, observation or storage wells in connection with any activity regulated by the Department: \$100.00.
- b) Mine or quarry drill or blast holes, or seismograph test holes or holes drilled to explore ~~strippable coal~~ are exempt from the provision of the Act. All wells drilled for water which do not penetrate the subsurface below the glacial drift are also exempt from the provision of the Act.

(Source: Amended at 14 Ill. Reg. 2317, effective January 25, 1990)

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- 1) Heading of Part:  
Hospital Licensing Requirements
- 2) Code Citation:  
77 Ill. Adm. Code 250
- 3) Section Numbers:      Adopted Action:  
250.150      Amendments  
250.315      New Section  
250.330      Amendments  
250.2140      Amendments
- 4) Statutory Authority:  
Hospital Licensing Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.
- 5) Effective Date of Amendments:  
February 15, 1990
- 6) Does this Rulemaking contain an Automatic Repeal Date? No.
- 7) Does this Rulemaking contain Incorporation by Reference? No.
- 8) Date Filed in Agency's Principal Office:  
February 15, 1990
- 9) Date Notice of Proposal Published in Illinois Register:  
May 26, 1989 (13 Ill. Reg. 7875)
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.
- 11) Difference Between Proposal and Final Version:  
In response to questions from the Joint Committee on Administrative Rules, the Department added the phrase "by law" after the word "authorized" in Section 250.330(b) and in Section 250.2140(c)(6). Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division.



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In response to public comments, the Department made the following changes in the text of these amendments:

1. The wording of the new definition of "House Staff Member" in Section 250.150 was revised to more clearly indicate that the reference to "graduate training programs" includes programs for podiatrist and dentists as well as medical graduate training programs. Specifically, the phrase "who is appointed to the hospital's graduate training program which is approved by the Department of Professional Regulation" was replaced with the phrase "who is appointed to the hospital's medical, osteopathic, dental, or podiatric graduate training program, which is approved or recognized in accordance with the statutory requirements applicable to the practitioner."
2. The wording of Section 250.315(b) was revised to replace the specific requirement for countersigning orders with a general requirement for complying with graduate education accreditation requirements. The proposed wording of this provision read: "These policies shall specify that any orders for medications or treatments ordered by a house staff member shall be countersigned by a member of the medical staff within the time period specified in the hospital's policies." As revised, this provision reads: "These policies shall comply with the 'Essentials of Accredited Residencies in Graduate Medical Education' established by the Accreditation Council for Graduate Medical Education."
3. In Section 250.330(a) the phrase "or diagnostic test" was added to clarify the intent of the provision. As changed, the provision reads: "No medication, treatment, or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or house staff member under the supervision of a member of the medical staff."
4. In Section 250.330(b), the phrase "or dispense" has been added to more clearly indicate that the language includes pharmacists. With this change, the provision reads: "Members of the Medical Staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized to administer or dispense the medication or treatment in the course of practicing their identified specific discipline."
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint

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Committee on Administrative Rules. In addition, the Department has agreed to amend Section 250.160(a)(1) in a future rulemaking to add a reference to the date and availability of the "Essentials of Accredited Residencies in Graduate Medical Education" established by the Accreditation Council for Graduate Medical Education.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.
- 14) Are there any other Amendments Pending on this Part? No.
- 15) Summary and Purpose of Rules:

These amendments address issues which have arisen in the administration of the Hospital Licensing Act. These issues concern the scope of practice of physicians who are training as residents and interns in hospitals and the administration of medications and treatments. These amendments were developed in consultation with the Illinois Hospital Association and the Illinois State Medical Society and were approved by the Hospital Licensing Board.

The amendments to Section 250.150 add a definition of "house staff member" to insure consistent terminology in referring to residents and interns. Amendments to this Section also update references to the Department of Professional Regulation and update statutory references.

Several provisions concerning policies and procedures which must be developed by hospitals which participate in residency and internship programs are included in the new Section 250.315.

The amendments to Section 250.330 specifically allow house staff members (residents and interns) to order medications and treatments for patients in a hospital. Amendments to this Section also clarify the requirement that orders for medications and treatments may only be given to individuals who are authorized to administer such medications and treatments. The detailed list of professions in this requirement has been replaced with a more general statement which allows hospitals to remain current with changes in the scope of practice of the various professions.

The changes in Section 250.2140 concern the policies which a hospital's pharmacy and therapeutics committee must develop to insure that medications are only administered by individuals who are authorized to administer such medications. The previous language of the requirement incorrectly implied that the Department of Public Health approves or recognizes professional organizations.

Changes are also included to Sections 250.330 and 250.2140 to utilize the



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term "Board" consistently to refer to the governing board of the hospital. The use of this term is consistent with Section 250.210(a).

The Department does not anticipate any economic impact from this rulemaking on the persons regulated by these rules.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250  
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section  
250.110  
250.120  
250.130  
250.140  
250.150  
250.160

Application for and Issuance of an Initial Permit to Establish a Hospital  
Application for and Issuance of a License to Operate a Hospital  
Administration by the Department  
Hearings  
Definitions  
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section  
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250.230  
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The Governing Board  
Accounting  
Planning  
Admission and Discharge -- General  
Visiting Rules  
Patients' Rights  
Manuals of Procedure

SUBPART C: THE MEDICAL STAFF

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250.310  
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Organization  
Supervision of House Staff Members  
Admission and Supervision of Patients  
Orders for Medications and Treatments  
Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section  
250.410  
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250.460

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## SUBPART E: LABORATORY

## Section

Laboratory Services  
 Blood and Blood Components  
 Designated Blood Donor Program  
 Proficiency Survey Program  
 Laboratory Personnel  
 Western Blot Assay Testing Procedures

SUBPART F: RADIOLOGICAL SERVICES  
 (Relating to Radiology or Nuclear Radiation)

## Section

General Diagnostic Procedures and Treatments  
 Radioactive Isotopes  
 General Policies and Procedures Manual

## SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

## Section

Classification of Emergency Services  
 General Requirements  
 Notification of Paramedics and Ambulance Personnel  
 Community or Area-wide Planning  
 Disaster and Mass Casualty Program  
 Emergency Services for Sexual Assault Victims

## SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

## Section

Applicability of Other Parts of These Requirements  
 General  
 Classifications of Restorative and Rehabilitation Services  
 General Requirements for all Classifications  
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## Section

Medical Direction  
 Nursing Care  
 Additional Allied Health Services

## SUBPART I: NURSING SERVICE AND ADMINISTRATION

## Section

Nursing Services  
 Organizational Plan  
 Role in hospital planning

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 Nursing Records and Reports  
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TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill.

Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 142 et seq.)

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990.

NOTE: Capitalization denotes -indicates-- statutory language.

SUBPART A: GENERAL

Section 250.150 Definitions

The following terms shall have the meanings ascribed to them whenever such term is used in these Regulations.

"Abnormal Slide": One not having the characteristics of healthy tissue.

"Act": The Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.).

"Allied Health Personnel": The term "allied health personnel" means



## Section 250.150 (continued)

and includes persons other than medical staff members, licensed or registered by the Illinois Department of Professional Regulation ~~Registration and Education~~ or recognized by an organization acceptable to the Department and recognized to so function by the medical staff and the governing authority of the hospital.

"ASHRAE": The American Society of Heating, Refrigerating, and Air Conditioning Engineers.

"ASTM": The American Society for Testing and Materials.

"CGA": The Compressed Gas Association.

"Control Materials": A sample in which the chemical composition and physical properties resemble the specimen to be analyzed on which sufficient analyses have been run to give a reasonably good approximation of the concentration of the constituent being assayed. It is routinely analyzed along with patient specimens in order to determine the precision and accuracy of the analytical process used.

"Demonstration of proficiency" means the laboratory meets the standards for acceptable proficiency testing as stated in Section 250.530 by means of on site analysis of specimens sent to the laboratory by agencies approved by the Department for that purpose.

"Dentist": A person currently licensed to practice dentistry in Illinois under the Illinois Dental Practice Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 2301 ~~par. 229~~ et seq.).

"Department": The terms "Department" and "Department of Public Health" mean the Department of Public Health of the State of Illinois.

"Drugs": The term "drugs" means and includes:

- articles recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to any of them and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- all other articles intended for and having for their main use the diagnosis, cure, mitigation ~~mitigation~~, treatment or prevention of disease in man or other animals;
- articles (other than food) having for their main use and

## Section 250.150 (continued)

intended to affect ~~the effect~~ the structure or ~~for~~ any function of the body of man or ~~of~~ other animals; and

- articles having for their main use and intended for use as a component or any articles specified above but does not include devices or their components, parts or accessories.

"Hospital": The term "hospital" shall be as defined in Section 3 of the Act.

"Hospitalization": The term "hospitalization" means the reception and/or care of any person in any hospital either as an inpatient or as an outpatient.

"House Staff Member": An individual who is a graduate of a medical, osteopathic, dental, or podiatric school: who is licensed as appropriate; who is appointed to the hospital's medical, osteopathic, dental, or podiatric graduate training program, which is approved or recognized in accordance with the statutory requirements applicable to the practitioner; and who is participating in patient care under the direction of licensed practitioners who have clinical privileges in the hospital and are members of the hospital's medical staff.

"ICBO": The International Conference of Building Officials.

"Licensed Practical Nurse": The term "licensed practical nurse" means a person currently licensed as such by the Department of Professional Regulation ~~Registration and Education~~ of the State of Illinois.

"Medical Staff": The term "medical staff" means an organized body composed of the following individuals granted the privilege by the governing authority of the hospital to practice in the hospital: persons who are graduates of a college or school approved or recognized by the Illinois Department of Professional Regulation ~~Registration and Education~~, and who are currently licensed by the Department of Professional Regulation ~~Registration and Education~~ to practice medicine in all its branches; practice dental surgery; or, practice podiatric medicine in Illinois, regardless of the title or the degree awarded by the approving college or school.

"Medicines": The term "medicines" means and includes drugs or chemicals or preparations thereof in suitable form intended for and having for their main use the prevention, treatment, relief, or cure of diseases in man or animals when used either internally or



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## Section 250.150 (continued)

externally.

"NBS": The National Bureau of Standards.

"NCRP": The National Council on Radiation Protection.

"NFPA": The National Fire Protection Association.

"Normal Slide": One having the characteristics of healthy tissue.

"Nursing Staff": The term "nursing staff" means and includes registered nurses, licensed practical nurses, nursing aides, orderlies, and others ~~other~~ rendering patient care under the supervision of a registered professional nurse.

"Patient Care Unit" (Nursing Care Unit) is an organized unit in which nursing services are provided on a continuous basis. It is a clearly defined administrative and geographic area to which specific nursing staff is assigned.

"Pharmacist": A person currently licensed to practice pharmacy in Illinois under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987-1988, ch. 111, par. 4121 ~~par. 4121~~ et seq.).

"Pharmacy": The term "Practice of Pharmacy" includes, but is not limited to:

- the soliciting of prescriptions;
- the compounding of prescriptions;
- the dispensing of any drug or medicine on a prescription;
- the transfer of any drug or medicine from one container into another container which other container is to be delivered to or for the ultimate patient, on a prescription, or to or for the ultimate consumer, without a prescription;
- the placing of directions for use or other required labeling information on a container of any drug or medicine which is to be delivered to or for the ultimate consumer, without a prescription.

The term "pharmacy" or "a drug store" as referred to in Section 3 of the Pharmacy Practice Act of 1987, means and includes that area

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## Section 250.150 (continued)

licensed by the Department of Professional Regulation in which the practice of pharmacy is conducted. Any room or designated area where drugs and medicines are dispensed (including the repackaging for distribution to a nursing station or storage area) shall be considered to be a pharmacy and be licensed by the Department of Professional Regulation ~~Registration and Education~~.

"PHCC": The National Association of Plumbing, Heating and Cooling Contractors.

"Physical Rehabilitation Facility": A licensed specialty hospital or clearly defined special unit or program of an acute care hospital providing physical rehabilitation services as defined above either through the facility's own staff members or when appropriate, through the mechanism of formal affiliations and consultations.

"Physical Rehabilitation Services": A complete intensive multi-disciplinary process of individualized, time limited, goal oriented services, including evaluation, restoration, personal adjustment, and continuous medical care under the supervision and direction of a physician "qualified by training and/or experience in physical rehabilitation." Physical rehabilitation is made up of two major components: inpatient and outpatient care. Both components involve the patient and whenever possible, the family, in establishing treatment goals and discharge plans, and consists of the following scope of services available for inpatient care: physician, rehabilitation nursing, physical therapy, occupational therapy, speech therapy, audiology, prosthetic and orthotic services, as well as rehabilitation counseling social services, recreational therapy, psychology, pastoral care, and vocational counseling. Basic scope of services for outpatient facilities should include at least a physician, physical therapy, occupational therapy, speech therapy, vocational services, psychology and social service. The purpose of such multi-faceted services is to reduce the disability and dependency in activities of daily living while promoting optimal personal adjustment in such dimensions as psychological, social, economic, spiritual and vocational.

"Physician": A person currently licensed to practice medicine in all its branches in Illinois under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987-1988, ch. 111, par. 4400-1 ~~par. 4401~~ et seq.).

"A—Physician's Assistant": A ~~to a~~ person authorized to practice under the Physician Assistant ~~Physician's Assistants~~ Practice Act of 1987 (Ill. Rev. Stat. 1987-1988, ch. 111, par. 4601



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## Section 250.150 (continued)

~~par. 5-4752~~ et seq.). A Physician's Assistant is only authorized to practice upon the patients of his supervising physician.

"Podiatrist": A person currently licensed to practice podiatry in Illinois under the Podiatric Medical Practice Act of 1987 ~~Am Act to regulate the practice of podiatry in the state of Illinois~~ (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111, par. 4801 ~~par. 5-4901~~ et seq.).

"Reference Materials": A sample in which the chemical composition and physical properties resemble the specimen to be analyzed on which sufficient analyses have been run to give a reasonably good approximation of the concentration of the constituent being assayed. It is routinely analyzed along with patient specimens in order to determine the precision and accuracy of the analytical process used.

"Registered Nurse": The term "registered nurse" means a person currently registered as such by the Department of Professional Regulation ~~Registration and Education~~ of the State of Illinois.

"Standard Solution": A solution used for calibration in which the concentration is determined solely by dissolving a weighted amount of primary standard material in an appropriate amount of solvent.

"UL": Underwriters' Laboratories, Inc.

(Source: Amended at 14 Ill. Reg. 2342, effective February 15, 1990)

## SUBPART C: THE MEDICAL STAFF

## Section 250.315 Supervision of House Staff Members

a) In hospitals participating in professional graduate training programs, the policies of the hospital, which shall be approved by the Board, must specify the mechanisms by which house staff members are supervised by members of the medical staff in carrying out their patient care responsibilities.

b) These policies shall comply with the "Essentials of Accredited Residencies in Graduate Medical Education" established by the Accreditation Council for Graduate Medical Education.

(Source: Added at 14 Ill. Reg. 2342, effective February 15, 1990)

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## Section 250.330 Orders for Medications and Treatments

a) No medication, ~~or~~ treatment, or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the medical staff. Verbal orders shall be used in emergency situations only and signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned within 24 hours.

b) Members of the Medical Staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline. ~~(registered professional nurse, registered dietitian, registered pharmacist, registered or certified respiratory therapist, registered physical therapist and registered occupational therapist) (See (a) above)~~

c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board ~~board of directors~~.

(Source: Amended at 14 Ill. Reg. 2342, effective February 15, 1990)

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

## Section 250.2140 Pharmacy and Therapeutics Committee

a) In accordance with the bylaws, rules and regulations of the medical staff, a committee acceptable to the Board ~~Hospital Governing Authority~~ shall be appointed to assure the responsibility for the functions of the service.

b) The voting members of this committee shall include the registered pharmacist directing the services, members of the medical staff, administration and nursing. The committee shall meet not less than quarterly and record minutes of their meetings which shall reflect their activities.

c) The functions of the committee shall include but not be limited to the following:



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## Section 250.2140(b) (continued)

- 1) assist in the formulation of rules and regulations relating to the selection, evaluation, distribution, and administration of drugs and medicines in the hospital;
- 2) ~~to~~ establish control and reporting procedures for the use of investigational (experimental, trial use) drugs and medicines;
- 3) ~~to~~ promote educational programs on drugs and drug therapy for the medical and nursing staffs and other appropriate personnel;
- 4) ~~to~~ develop and update the Service Policy and Procedure Manual, the Hospital Formulary or Drug List;
- 5) ~~to~~ review and act on recommendations, drug usage reports, medication error or incident reports, storage, distribution and administration of drugs;
- 6) ~~to~~ develop policies and procedures (which shall be approved by the Medical Staff and Board ~~Hospital Management~~) to provide for the administration of identified drugs and medicines by qualified professional persons ~~(those persons certified, registered or accredited by a recognized professional organization acceptable to the Department)~~ who are authorized by law to administer such drugs and medicines in the course of practicing their professions; and
- 7) ~~the Pharmacy and Therapeutics Committee shall~~ establish the guidelines for the education, in-service training and supervision of all personnel administering drugs and medications.

(Source: Amended at 14 Ill. Reg. <sup>2342</sup>, effective February 15, 1990)DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part:

Illinois Clinical Laboratories Code

2) Code Citation:

77 Ill. Adm. Code 450

3) Section Numbers:450.20  
Appendix A  
Appendix BAdopted Action:Amendment  
Repealed  
Repealed4) Statutory Authority:Illinois Clinical Laboratories Act  
Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, par. 621 et seq., as amended by P.A. 86-141, effective August 3, 19895) Effective Date of Rules:

January 26, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes \_\_\_ No X

If "yes," please specify type: 6.02(a) \_\_\_ or 6.02(b) \_\_\_

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes \_\_\_ No \_\_\_

8) Date Filed in Agency's Principal Office:

January 26, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

September 15, 1989 - 13 Ill. Reg. 14280

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes \_\_\_ No X

If "yes," please complete the following:



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- A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_
- B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_
- C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. The Department repealed Appendix A and B.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes X No     Ill. Reg. 13678 - August 25, 1989

- 14) Are there any other Amendments Pending on this Part? Yes     No X

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

15) Summary and Purpose of Rules:

This rulemaking changes the date of application for all laboratories which were previously exempt from October 1, 1989 in the rules to December 31, 1989 in the Act, to remove a conflict between the Act and the rules. In addition, this rulemaking adds the language of Section 1-104 of the Act to clarify that when there is a conflict between the federal rules and state rules, then every compliance with the federal rules will be considered compliance with the state rules.

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- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:



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## NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH  
CHAPTER I DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER 4 LABORATORIES AND BLOOD BANKS

## PART 450

## ILLINOIS CLINICAL LABORATORIES CODE

## SUBPART A: GENERAL

Section  
450.5 Scope and Applicability  
450.10 Definitions  
450.20 Registration, Permit and License Application  
450.30 Laboratories required to be licensed, have a permit, or be registered  
450.35 Testing Limitations for Registration Permit and Licensed Laboratories  
450.40 Penalties and Fines  
450.50 Incorporated Materials  
450.55 Administrative Hearings

## SUBPART B: DIRECTORS OF CLINICAL LABORATORIES

Section  
450.210 Qualifications of the Director of a Clinical Laboratory  
450.220 Operational Participation of the Director  
450.230 Number of Laboratories Permitted to Operate

## SUBPART C: LOCATION, CONSTRUCTION AND SANITATION

Section  
450.310 Location  
450.320 Conformance to Local Ordinances  
450.330 Safety and Sanitation Manual

## SUBPART D QUALIFICATIONS OF PERSONNEL

Section  
450.410 General Supervisor  
450.420 Medical Technologist  
450.430 Cytotechnologist  
450.440 Technician  
450.450 Laboratory Assistant

## SUBPART E: EQUIPMENT

Section  
450.510 Facilities and Equipment  
450.520 Preventive Maintenance of Equipment and Instruments

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450.530 Glassware (Repealed)  
450.540 Lancets, Needles and Syringes (Repealed)  
450.550 Electrical Equipment (Repealed)  
450.560 Photometric and Spectrophotometric Equipment (Repealed)  
450.570 Analytic balances and Weights (Repealed)

## SUBPART F: OUT OF STATE LABORATORIES

Section  
450.610 Criteria for Licensure

## SUBPART G PROFICIENCY SURVEY PROGRAM AND INSPECTION OF FACILITIES

Section  
450.710 Inspections  
450.720 Proficiency Survey Program  
450.730 Western Blot Assay Testing Procedures

## SUBPART H: SPECIAL REQUIREMENTS PERTAINING TO BLOOD BANKS (REPEALED)

Section  
450.810 General (Repealed)  
450.820 Applicability of Other Parts of the Regulations (Repealed)  
450.830 Donors and Donor Blood/Criteria for Donor Selection (Repealed)  
450.835 Directed Blood Donations (Repealed)  
450.840 Donors and Donor Blood/Identification of Donor Blood (Repealed)  
450.845 Donors and Donor Blood/Storage and Transportation (Repealed)  
450.850 Preparation of Blood Components (Repealed)  
450.855 Plasmapheresis (or Plateletpheresis) (Repealed)  
450.860 Autologous Transfusion (Repealed)  
450.870 Transfusion Service Records (Repealed)

## SUBPART I: PROHIBITED PRACTICE

Section  
450.920 Terms Not to be Used in Names of Laboratories  
450.930 Prohibitions in Advertising and Announcements  
450.940 Acceptance of Specimens and Reporting of Results  
450.950 Referral of Specimens for Examination to Unlicensed Laboratories

## SUBPART J: RECORDS AND REPORTS

Section  
450.1010 Necessary Records

Section  
450.1110 Responsibilities of Director  
450.1120 Reference Materials



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450.1130 Preventative Corrective Maintenance Program  
 450.1140 Procedure Manuals  
 450.1150 Quality Control System Methodologies  
 450.1155 Cytology

## SUBPART L. HIV CONTAMINATED BLOOD AND HUMAN TISSUE

Section  
 450.1200 Handling and Disposal of HIV Contaminated Blood and Human Tissue

## SUBPART M: HEALTH SCREENING

Section  
 450.1300 Health Screening and Approved Health Screening Tests  
 450.1310 Protocol for Conducting Health Screening  
 450.1320 Application for a Class III Permit to Conduct Health Screening  
 450.1330 Reporting and Notification

Appendix A Application for Registration, Class I Permit Class II Permit and Licensed Laboratory (Repealed)  
 Appendix B Application for Class III Permit Laboratory (Repealed)  
 Appendix C Registration, Permit, and License Requirements - An Overview

AUTHORITY: Implementing and authorized by the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, par. 621 et seq., as amended by P.A. 86-141, effective August 4, 1989).

SOURCE: Amended November 16, 1970; amended at 2 Ill. Reg., p. 87, effective November 5, 1978; amended at 4 Ill. Reg. 33, p. 224, 225 and 228, effective August 6, 1980; amended at 6 Ill. Reg. 4151, effective April 5, 1982; amended at 7 Ill. Reg. 7643, effective June 14, 1983; codified at 8 Ill. Reg. 19488; amended at 9 Ill. Reg. 20709, effective January 3, 1986; emergency amendment at 10 Ill. Reg. 307, effective January 3, 1986, for a maximum of 150 days, amended at 10 Ill. Reg. 10712, effective June 3, 1986; amended at 12 Ill. Reg. 10018, effective May 27, 1988; emergency amendment at 12 Ill. Reg. 19518, effective October 28, 1988 for a maximum of 150 days, amended at 13 Ill. Reg. 4285, effective March 21, 1989; amended at 13 Ill. Reg. 11573, effective July 1, 1989 and September 1, 1989; emergency amendment at 13 Ill. Reg. 13678, effective August 14, 1989, for a maximum of 150 days; emergency rule expired on January 11, 1990; amended at 14 Ill. Reg. 2360, effective January 26, 1990.

NOTE: Capitalization denotes statutory language.

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Section 450.20 Registration, Permit and License Application

A LABORATORY THAT IS REQUIRED TO OBTAIN A LICENSE OR PERMIT PURSUANT TO THIS ACT BY JULY 1, 1989, BUT WAS PREVIOUSLY EXEMPT FROM SUCH REQUIREMENT, SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT, BUT WILL HAVE UNTIL DECEMBER 31, 1989 TO COMPLY WITH THIS REQUIREMENT. ANY SUCH LABORATORY WHICH COMPLIES WITH THIS DEADLINE WILL BE PERMITTED TO CONTINUE OPERATION UNTIL RECEIPT OF A PERMIT OR LICENSE OR NOTICE OF DENIAL OF APPLICATION FOR A PERMIT OR LICENSE FROM THE DEPARTMENT. REGISTRATION LABORATORIES MUST FILE A REGISTRATION FORM WITH THE DEPARTMENT BY DECEMBER 31, 1989. (Section 3-103(b) of the Act as amended by P.A. 86-141, effective August 3, 1989.)

An application for a Permit or a License must be submitted to the Department by October 1, 1989. The Department shall issue the appropriate permits and licenses by January 1, 1990. All laboratories which comply with this deadline will be permitted to continue operation until receipt of a permit or license or denial of application for a permit or license from the Department. Registration laboratories must file a registration form with the Department by October 1, 1989.

- a) All applications shall be submitted on forms provided by the Department, shall be notarized, and shall include all information requested on the form. (See Appendix A for a copy of the application form; except Class III permit laboratories see Appendix B.)
- b) If during the calendar year in which the license, permit, or renewal thereto has been issued there is a change of owner, location or name of the laboratory, the Department shall be notified prior to such change.
- c) If the license or permit is to be issued to two or more persons who are co/owners, all such persons shall be identified upon the application for license or permit or renewal of license or permit and all such persons shall sign such application and it shall be notarized.
- d) An application for a license or permit where the owner is a corporation, shall clearly disclose the names of all persons owning 5% or more of the shares of the corporation. A duly authorized officer of the corporation shall sign the application and it shall be notarized.
- e) The description of the program shall be provided in sufficient detail to permit the Department to determine the fields of science represented by the services of the laboratory and the tests which may fall within the scope of its program and services.

(Source: Amended at 14 Ill. Reg. 2360, effective January 26, 1990)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 450. Appendix A Application for Registration, Class I Permit, Class II Permit and Licensed Laboratory (Repealed)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
CLINICAL LABORATORY AND BLOOD BANK SECTION  
2121 WEST TAYLOR STREET  
CHICAGO, IL 60612

APPLICATION FOR REGISTRATION  
CLASS-I PERMIT, CLASS II PERMIT  
OR LICENSE OF CLINICAL-LABORATORIES

## 1. APPLICATION DATE:

MONTH DAY YEAR

## 2. FACILITY IDENTIFICATION:

A: Name of Laboratory

B: Address (Number and Street)

C: Address (City, State, Zip Code)

D: Telephone Number: / Area: Ex: County:

F: If this is a Class-I Permit application and is operated at multiple locations, list all locations not already indicated under 2B above.

NUMBER AND STREET

CITY

ZIP CODE

## 3. TYPE OF APPLICATION: (Mark one box)

Copies of references to the Illinois Clinical Laboratory Act (Ill Rev. Stat., ch. 111 1/2, par. 621-628) and Illinois Clinical Laboratory Code (77 Ill. Adm. Code 450) accompany this application.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

f- / Registration Class:--The following references are suggested to help determine eligibility for this category:  
Sections 1-103(f) and 2-108 of the Act  
Sections 450.10, 450.30(a)(1) and 450.35(a) of the Code

f- / Class-I Permit - The following references are suggested to help determine eligibility for this category:  
Sections 2-108, 2-118, 2-121 and 2-122 of the Act  
Sections 450.10, 450.30(a)(2) and 450.35(b) of the Code  
The lists of tests which accompanies this application which have been determined to be "simple"

f- / Class-II Permit-- The following references are suggested to help determine eligibility for this category:  
Sections 2-109, 2-118, 2-119, 2-121 and 2-122 of the Act  
Sections 450.10, 450.30(a)(3) and 450.35(e) of the Code

f- / Licensed-- The following references are suggested to help determine eligibility for this category:  
Section 2-111 of the Act  
Sections 450.10, 450.30(a)(5) and 450.35(e) of the Code

## AGENCY NOTE:

Any entity which fits the definition of a "Designated Agency" must provide a complete description of the State or Federal program being implemented. Such description must include complete citations to the Illinois laws and rules for the program using proper citations to the Illinois Revised Statutes and the Illinois Administrative Code or Illinois Register, or Court rules, or Executive Orders. If the laboratory operates to meet the requirements of a federal program, a complete description of the program and citations to the Federal laws for the program using proper citation to the United States Code and the Code of Federal Regulations or the Federal Register.

## 4. HOURS OF OPERATION:

Hours when tests are actually performed: M-----T-----  
W-----Th-----F-----Sa-----Su-----

## 5. OWNERSHIP:

A: Check the appropriate box below:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

INDIVIDUAL  
COUNTY TOWNSHIP PARTNERSHIP\* CORPORATION\*\* TRUST  
CITY OTHER  
Specify

B. List owner(s), title and address below. Use additional sheets if necessary.

\*Partnership--Provide names of all partners and percent of interest.

\*\*Corporation--Provide corporate name, names of officers and all stockholders owning 5 percent or more of stocks, with an indication of percent of stock owned. If no stockholder owns more than 5 percent, so indicate below.

NAMES OF OWNERS OR CORPORATE  
OFFICERS AND MAJOR STOCKHOLDERS

NAME TITLE ADDRESS

## EXACT CORPORATE NAME

CORPORATE ADDRESS

C. For all applications for Registration Class, Class I Permit or Class II Permit laboratories list all physicians, podiatrists or dentists who receive laboratory results from this laboratory. (Local health authorities and designated agencies are not required to complete part 5-C.)

NAME

NAME

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

6. PERSONNEL: Director(s) (Not required if applying for Registration Class)

A. Name each laboratory director and indicate his/her weekly regularly scheduled hours in the laboratory. A personnel form is required for each director. Use additional sheets if necessary.

LAST NAME FIRST NAME RESIDENCE ADDRESS NORMAL HOURS IN THE LAB

M T W Th F Sa Su

B. For each laboratory director, list all laboratories which he/she is associated with as director, co-director or associate director. Use additional sheets if necessary.

LAST NAME OF DIRECTOR NAME OF FACILITY ADDRESS OF FACILITY POSITION

7. PERSONNEL: Supervisor(s) (Not required if applying for Registration Class or Class I Permit)

List the name of each laboratory supervisor and indicate his/her scheduled hours in this laboratory. Use additional sheets if necessary. A personnel form must be submitted for each person providing supervision.

LAST NAME FIRST NAME INITIAL NORMAL HOURS IN THE LAB

M T W Th F Sa Su



DEPARTMENT OF PUBLIC HEALTH

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8. PERSONNEL: Other than directors or supervisors (not required if applying for Registration Class or Class I Permit)

List the names of all technical personnel employed by this laboratory other than those listed under 6 and 7 above. Use additional sheets if necessary. A personnel form must be submitted for each individual. Use the codes below to indicate how each employee is functioning.

1 = technologist TE = technician G = consultant LA = laboratory assistant

--- LAST NAME --- FIRST NAME --- INITIAL --- I --- E --- G --- LA --- FUNCTIONING as ---

9. PROGRAM AND SERVICES: Complete the attachment entitled "Program and Services". Attachment (A) is used by a laboratory requiring a Registration Class or Class I Permit. Attachment (B) is used by a laboratory requiring a Class II Permit or a License.

10. APPLICATION FEES:

A. Initial application fees (Section 3-102 of the Act) are as follows:

Licensed Laboratory \$300  
Class II Permit \$100  
Class I Permit \$50

B. Renewal application fees (Sections 3-104 and 3-106 of the Act) are as follows:

Licensed Laboratory \$150  
Class II Permit \$50  
Class I Permit \$25

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

RETURN THE COMPLETED APPLICATION AND FEE TO:

Clinical Laboratory and Blood Bank Section  
Illinois Department of Public Health  
2121 West Taylor Street  
Chicago, IL 60612

11. AFFIDAVIT:

State of \_\_\_\_\_ County of \_\_\_\_\_

The undersigned owner or authorized officer and laboratory director(s) of the facility described herein being duly sworn on oath, depose(s) and say(s) that the statements contained in the foregoing application are true and correct to the best of \_\_\_\_\_ knowledge and belief; that no owner has been convicted of a felony or of any crime involving moral turpitude under the laws of any state of the United States arising out of or in connection with the operation of a laboratory and that \_\_\_\_\_ has (have) read and understands this application and affidavit.

Name

Title

(Signature: \_\_\_\_\_)

(Type Name: \_\_\_\_\_)

(Signature: \_\_\_\_\_)

(Type Name: \_\_\_\_\_)

(Signature: \_\_\_\_\_)

(Type Name: \_\_\_\_\_)

(Signature: \_\_\_\_\_)

(Type Name: \_\_\_\_\_)

(Signature: \_\_\_\_\_)

(Type Name: \_\_\_\_\_)

(Signature: \_\_\_\_\_)

(Type Name: \_\_\_\_\_)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Seal

Notary Public in and For Said State



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## ATTACHMENT-A

## PROGRAM-AND-SERVICES

Laboratory-Name-----Date-----

List below the name of each test performed in this laboratory, the name of the major instrument used to perform each test, and the name of the instrument manufacturer. Enough descriptive information is required so the Department can determine if this laboratory belongs in the Registration Class, Class I permit or Class II permit category. Please review descriptions of the tests in the Registration category (Section 450-35(a)) and the list of simple tests accompanying this application.

TEST-NAME-----NAME-OF-MAJOR  
INSTRUMENT-USED-----NAME-OF-INSTRUMENT  
MANUFACTURER-----

## ATTACHMENT-B

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS  
PROGRAM-AND-SERVICES

Laboratory-Name-----Date-----

## TO-BE COMPLETED BY THE LABORATORY DIRECTOR

A. Place a check mark in front of each number for each procedure performed in this laboratory except for clinical chemistry tests performed on automated multichannel equipment (profiles). For these tests, place an asterisk (\*) in front of each procedure which is part of the profile.

0010-Histocompatibility-Testing  
Antibody-identification;--leukocyte  
Tissue-culture  
Tissue-typing-(HLA-Typing)

86021

86595

86597

## 0110-Bacteriology

Blood-cultures

Gastrointestinal-tract-cultures

Urinary-tract-cultures

Genital-tract-cultures

Cerebrospinal-fluid-cultures

Wound-cultures

Eye-cultures

Throat-cultures

Ear-cultures

Nose-cultures

Mouth-cultures

Acid-Fast-Bacilli-cultures

Sensitivity-studies;-antibiotic;-disc-method

Sensitivity-studies;-antibiotic;-minimum

Inhibitory-zone-(MIC)

Smears

Smear;-acid-fast-or-fluorescent

0210-Syphilis-Serology

VDRL;-RPR;-RST;-ART

Treponema-antibodies-(FTA-ABS)

0220-Other-Serology

Genodetropin;-chronic

(pregnancy-test)-(Qual)

Agglutinins;-febrile

{Brucella;-typhoid-O-&-H;  
paratyphoid-A-&-B;-etc.}

## ATTACHMENT-B



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

86006	Antibody, Qual-(agglutinins, cold)
86060	Antistreptolysin-O, titer
86067	Antitrypsin, alpha-1
86140	G-reactive-protein-(CRP)
86151	Garcinembryonic-antigen-(GEA)
86158	Complement, total-or-components
86215	Deoxyribonuclease, antibody-(ADNase)
86255	Fluorescent-antibody-techniques
	Group-A-Strept, N, gonorrhea,
	antibacterial-antibodies, etc.
86280	Rubella-antibody
86287	Hepatitis-B-antigen
86288	Hepatitis-B-antibody
86300	Heterophile-antibodies
	(includes monotype-test)
86329	Immunoglobulins, quant, IgA, D, G, M,
	erythrocyte, transferrin, AFP, etc.
86421	Radioallergosorbent test-(RAST)
86430	Rheumatoid-factor-latex-(RA)
86594	Thyroid-antibodies
86600	Toxoplasmosis-Agglutination
86999	Unstained-immunology-procedure
	-(briefly-describe)
87040	Albumin
87085	Alkalase
87128	Amino-acids
87140	Ammonia
87150	Amylase
87250	Bilirubin, total-or-direct
87270	Occult-Blood-Feces-(Screen)
87310	Calcium
87374	Carbon-dioxide, content
87000	U220-Urinalysis, clinical-microscopy
	Urinalysis, routine-complete,
	including-microscopic
87005	Urinalysis, chemical-only, qual.
87030	Urinalysis, addis-count
ATTACHMENT-B	
87939	Gastric-analysis-(Diagnex-blue)
84118	Porphyrias
84185	Bence-Jones-Protein
84578	Urobilinogen
87099	Urinalysis, other

## DEPARTMENT OF PUBLIC HEALTH

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82003	Q330-Chemistry, other
82011	Acetaminophen
82055	Acetylsalicylic-acid-(Salicylate)
82087	Alcohol, blood
82100	Aldosterone
82138	Alkaloids-and-other-organic-bases
82145	Amphetamine
82175	Amphetamine
82205	Arsenic
82290	Barbiturates
82300	Bromides
82308	Cadmium
82372	Galectin
82355	Garbamazepine
82382	Calcium-(Stone)
82415	Galectamines, total
82529	Chloramphenicol-(chloromycetin)
82628	Desipramine
82634	Desoxyacetol, 11-(Compound-S)
82636	Diazepam
82639	Dicumarol
82640	Digitoxin-(Digitalis)
82643	Digoxin
82670	Estradiol
82671	Estrogens
82672	Estrogen-Receptor-Assay
85000	Q400-Hematology
85007	Bleeding-time
85012	Differential-WBC-count
85014	Eosinophil-count
85018	Hematocrit-(Single)
85021	Hemoglobin-(Single)
85041	Hemogram, automated
	Red-blood-cell-(RBC)-(Single)
ATTACHMENT-B	
85044	Reticulocyte-count
85048	White-blood-cell-(WBC)-(Single)
85100	Bone-marrow
85210	Clotting-factors
85245	Coagulation-time, Lee-and-White
85371	Fibrinogen
85544	Lupus-erythematosus-(LE)-prep.
85547	Fragility, mechanical, -RBC
85555	Fragility, osmotic, -RBC



DEPARTMENT OF PUBLIC HEALTH

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85580	Platelet count
85610	Prothrombin time
85660	Sedimentation rate (ESR)
85660	Sickling of RBC
85730	Thromboplastin time, partial (PTT)
85999	Unlisted hematology procedure (Briefly Describe)
86080	O510-Blood Grouping
86082	Blood typing, ABO
86090	Blood typing, ABO and Rho(D)
86095	M+N typing
86105	Blood typing, RBC-antigens other than ABO or Rho(D)
	Rh genotyping
86008	O520-Antibody Identification
86016	Antibody, titer
	Antibodies, RBC, saline, high-protein
86068	O530-Compatibility testing
86075	Blood crossmatch, complete (typing, antibody screen, recipient and donor)
	Blood crossmatch, minor only

(Source: Repeated at 14 Ill. Reg. 2360, effective January 26, 1990)

Section 450. Appendix B Application for Class III Permit Laboratory (Repeated)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
CLINICAL LABORATORY AND BLOOD BANK SECTION  
2121 WEST TAYLOR STREET  
CHICAGO, ILLINOIS 60612

APPLICATION FOR PERMIT CLASS III PERMIT LABORATORY

1. APPLICATION DATE: / /

PRINCIPAL PLACE OF BUSINESS:

A. NAME OF LABORATORY

B. ADDRESS (NUMBER AND STREET)

C. CITY, STATE, ZIP CODE

D. TELEPHONE NUMBER: ( ) -

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

E:	HOURS OF OPERATION: M to ; T to ; W to ; Th to ; F to ; Sa to ; Su to ; M to ;
3. OWNERSHIP	
A:	CHECK THE APPROPRIATE BOX BELOW:
	INDIVIDUAL PARTNERSHIP CORPORATION** TRUST
	COUNTY TOWNSHIP CITY OTHER
B:	List owner(s), title and address below. Use additional sheets if necessary.
	--*PARTNERSHIP-- Provide names of all partners and percent of interest owned.
	**CORPORATION-- Provide corporate name, name of officers and all stockholders owning 5 percent or more of stock, with an indication of percent of stock owned. If no stockholder owns more than 5 percent so indicate below.
	---EXACT NAME(S) OF OWNER(S)---% INTEREST---ADDRESS---

G: If the owner listed in 3-B is a corporation, indicate names of officers and all stockholders owning 5% or more of stock.

Title Address



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

4. LABORATORY-DIRECTOR

A. A-completed-personnel-form-is-required-for-each-director---indicate-  
below-the-name-and-anticipated-schedule-of-hours-for-each-director-in  
the-laboratory-during-hours-of-testing.

LAST-NAME-----FIRST-NAME-----M-----T-----W-----Th-----F-----Sa-----Su-----

B. For-each-director, list-all-laboratories-that-individual-directs.  
(Use-additional-sheets-if-necessary)

LAST-NAME-OF-DIRECTOR-----NAME-OF-FACILITY-----ADDRESS-OF-FACILITY-----

5. PROGRAM-AND-SERVICES

List-the-name-of-each-test-performed.

5. PROGRAM-AND-SERVICES

List-the-name-of-each-test-performed.

NAME-OF-TEST

6. PERSONNEL-OTHER-THAN-DIRECTOR(S)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

List-the-names-of-all-technical-personnel-employed-by-this-laboratory  
other-than-director(s)---Use-additional-sheets-if-necessary---A-personnel  
form-must-be-submitted-for-each-individual---Use-the-codes-below-to  
indicate-how-each-employee-is-functioning.

S--Supervisor T--Technologist TE--Technician  
LA--Laboratory-Assistant P--Phlebotomist

LAST-NAME FIRST-NAME INITIAL FUNCTIONING-AS-  
S T TE LA P

7. PERSON(S)-AT-THE-TEST-SITE-IN-CHARGE-OF-LABORATORY-OPERATIONS

LAST-NAME-----FIRST-NAME-----INITIAL-----

8. INDICATE-BELOW-WHERE-EQUIPMENT-SUPPLIES-AND-RECORDS-RELATING-TO  
LABORATORY-OPERATIONS-ARE-KEPT-WHEN-NOT-AT-THE-TEST-SITE

NAME  
ADDRESS-(NUMBER-AND-STREET)  
CITY, STATE, ZIP-CODE

9. Please-attach-a-statement-signed-by-the-Director-indicating-that-the  
person-in-charge-of-the-total-laboratory-operation-has-education-and  
training-necessary-for-proper-laboratory-operation-at-the-test-site---(See  
450.1320(h))

10. Please-attach-a-copy-of-the-Physician-Approved-Protocol---(See-Section  
450.1310)

11. AFFIDAVIT



State of ----- County of -----

The undersigned owner or authorized officer and director(s) of the facility described herein, being duly sworn on oath, depose(s) and say(s) that the statements contained in the foregoing application are true and correct to the best of ----- knowledge and belief and that ----- has(have) read and understand(s) this application and affidavit.

Signature-----  
Type Name-----

Signature-----  
Type Name-----

Signature-----  
Type Name-----

Signature-----  
Type Name-----

Signature-----  
Type Name-----

Signature-----  
Type Name-----

Subscribed and sworn to before me this ----- day of -----, 19-----

SEAL

Note:  
This completed application along with the required permit fee of \$200.00 are to be sent to:  
Fiscal and Management Services  
Illinois Department of Public Health  
Attn: Validation Unit  
535 W. Jefferson Street  
Springfield, Illinois 62761

(Source: Repealed at 14 Ill. Reg. 2360, effective January 26, 1990)

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part:  
Illinois Home Health Agency Code
- 2) Code Citation:  
77 Ill. Adm. Code 245
- 3) Section Numbers:  
245.20  
245.30  
245.50  
Adopted Action:  
Amendments  
Amendments  
Amendments
- 4) Statutory Authority:  
Home Health Agency Licensing Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2801 et seq.
- 5) Effective Date of Amendments:  
February 15, 1990
- 6) Does this Rulemaking contain an Automatic Repeal Date? No.
- 7) Does this Rulemaking contain Incorporation by Reference? No.
- 8) Date Filed in Agency's Principal Office:  
February 15, 1990
- 9) Date Notice of Proposal Published in Illinois Register:  
June 30, 1989 (13 Ill. Reg. 10007)
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.
- 11) Difference Between Proposal and Final Version:  
In response to questions from the Joint Committee on Administrative Rules, the Department added the phrase "as determined by the physician" after the words "this emergency" in the definition of "physician" in Section 245.20.  
No substantive changes in the text of the proposed amendments were made in response to public comments on these amendments. Several



typographical corrections were made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the amendments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.  
14) Are there any other Amendments Pending on this Part? No.  
15) Summary and Purpose of Rules:

These amendments address two issues which have arisen in the administration of the Department's responsibilities for the licensure of home health agencies. The first issue concerns the extent to which home health agencies should be permitted to provide services based on orders issued by out-of-state physicians. This issue is addressed by amendments to Section 245.20. The second issue concerns the need for physical examinations for employees of home health agencies and other individuals who provide home health services under contract with home health agencies. This issue is addressed by amendments to Sections 245.30 and 245.50.

The amendments to Section 245.20 revise the definition of physician. Based on a provision in Section 3 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-3), the definition has been changed to explicitly include a physician who is licensed in another state who is providing emergency care to an Illinois patient. The revised definition specifies several conditions which must be met to permit home health agencies to provide home care services based on orders issued by out-of-state physicians. Since the physician's actions are limited to an emergency situation under the provision of the Medical Practice Act of 1987, a limited period of time is specified in the revised definition.

The amendments to Sections 245.30 and 245.50 clarify the requirements for physical examinations of employees and other individuals who provide services under contract with the home health agency. The amendments replace the previous requirement for "periodic health examinations" with requirements for an initial health evaluations of each new employee and employee health policies. The revised requirements will apply to individuals providing services under contract as well as to employees of

the home health agency. These revised requirements are consistent with the personnel provisions in the federal Medicare requirements at 42 CFR 405.1221(e).

The Department anticipates that these amendments will have little, if any, economic impact on the persons regulated by these rules.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245  
 ILLINOIS ~~THE LICENSURE OF~~ HOME HEALTH AGENCY CODE ~~AGENCIES~~

Section	Purpose
245.10	Definitions
245.20	Administration/Organization
245.30	Staffing/Responsibilities
245.40	Services
245.50	Licensure
245.60	Requirements for State Approved Home Health Aide Training Programs
245.70	

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2801 et seq.)

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990.

NOTE: Capitalization denotes statutory language.

## Section 245.20 Definitions

"Administrator" - shall be any one of the following:

- a physician;
- a registered nurse;

an individual with at least one year of supervisory or administrative experience in home health care or in related health provider programs; or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 245.20 (continued)

an individual who meets the requirements for Public Health Administrator as contained in 77 Ill. Adm. Code 600.300 ~~Rule 3-00~~ of the "Minimum Qualifications for Public Health Department Personnel Employed by Full-Time Local Health Departments" (77 Ill. Adm. Code 600) as promulgated by the Department.

"Agency" - refers to Home Health Agency unless otherwise designated.

"Branch Office" - a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision and services in a manner that renders it unnecessary for the branch independently to meet the conditions of participation as a home health agency.

"Bylaws or Equivalent" - a set of rules adopted by a home health agency for governing the agency's operation.

"Clinical Note" - a dated, written notation by a member of the health team of a contact with a patient containing a description of signs and symptoms, treatment and/or drug given, the patient's reaction and any changes in physical or emotional condition.

"Clinical Record" - an accurate account of services provided for each patient and maintained by the agency in accordance with accepted professional standards.

"DEPARTMENT" - THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 2.01 of the Home Health Agency Licensing Act ("the Act"), Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2802.01)

"Dietitian/Nutritionist" - a person who has a baccalaureate degree from an accredited college or university with major studies in food and human nutrition, dietetics, nutritional care or community nutrition; has approved clinical experience which meet the requirements to write the registration examination and to be eligible for membership in the American Dietetic Association; and has two years of full-time experience as Dietitian/Nutritionist, at least one of which is in a community health agency with consultant and teaching responsibilities. A Master's Degree from an accredited college or university with major studies in public health, nutrition or family development may be substituted for one year of the work experience.



## Section 245.20 (continued)

"DIRECTOR" - THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 2.02 of the Act)

"Discharge Summary" - the written report of services rendered, goals achieved and final disposition at the time of discharge from service.

"Geographic Service Area" - the area from which patients are drawn. This area is to be clearly defined by readily recognizable boundaries.

"HOME HEALTH AGENCY" - A PUBLIC AGENCY OR PRIVATE ORGANIZATION WHICH PROVIDES SKILLED NURSING SERVICES AND AT LEAST ONE OTHER HOME HEALTH SERVICE AS DEFINED IN THIS PART ~~IN THIS PART~~. (Section 2.04 of the Act)

"Home Health Aide" - a person who shall have training in those supportive services which are required to provide personal care, emotional comfort and to assist the patient toward independent living in a safe environment. Persons employed as home health aides shall be selected on the basis of such factors as emotional and mental maturity, interest and sympathetic attitude toward caring for the sick, willingness to participate in a continuous learning process, and the ability to communicate through reading, writing and carrying out instructions. On and after April 1, 1980, every agency employing home health aides shall insure through verification that all newly employed home health aides have completed a basic course of instruction. The course content shall meet guidelines established by the Department. The agency shall further insure through verification that all incumbent home health aides shall have completed the basic course, or in lieu thereof, have satisfactorily demonstrated proficiency in a performance test which measures the level of competency in the assigned tasks. The performance test shall meet guidelines established by the Department. The performance test shall be administered by a registered nurse employed by the agency.

"HOME HEALTH SERVICES" - SERVICES PROVIDED TO A PERSON AT HIS RESIDENCE ACCORDING TO A PLAN OF TREATMENT FOR ILLNESS OR INFIRMITY PRESCRIBED BY A PHYSICIAN. SUCH SERVICES INCLUDE PART-TIME AND INTERMITTENT NURSING SERVICES AND OTHER THERAPEUTIC SERVICES SUCH AS PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH THERAPY, MEDICAL SOCIAL SERVICES OR SERVICES PROVIDED BY A HOME HEALTH AIDE. (Section 2.05 of the Act)

"Licensed Practical Nurse" - a person currently licensed as a licensed practical nurse under the ~~Illinois~~ Illinois Nursing Act ~~of 1987~~ (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

## Section 245.20 (continued)

"Medical Social Worker" - a person who has a master's degree from a school of social work accredited by the Council on Social Work Education, currently licensed in the State of Illinois, and has one year of social work experience in a health care setting.

"Occupational Therapist" - a person who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association or is eligible for the National Registration Examination of the American Occupational Therapy Association; or, has two years of appropriate experience as an occupational therapist and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such examinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualification as an occupational therapist after December 31, 1977.

"Occupational Therapy Assistant" - a person who meets the requirements for certification as an occupational therapy assistant established by the American Occupational Therapy Association; or, has two years of appropriate experience as an occupational therapy assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualification as an occupational therapy assistant after December 31, 1977.

"Part Time or Intermittent Care" - home health services given to a patient at least once every sixty (60) days or as frequently as a few hours a day, several times per week.

"Patient" - a person who is under treatment or care for illness, disease, injury or conditions appropriately responsive to home health services to maintain health or prevent illness.

"Patient Care Plan" - a coordinated and combined care plan prepared by and in collaboration with each discipline providing service to the patient and/or family.

"PERSON" - ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, ASSOCIATION OR ANY OTHER LEGAL ENTITY. (Section 2.03 of the Act)

"Physical Therapist" - a person who is licensed as a physical



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## Section 245.20 (continued)

therapist by the State of Illinois and who meets the Federal Conditions of Participation for Home Health Agencies (USC 42 Section 1395x Health Insurance for the Aged Act).

"Physical Therapist Assistant" - a person who has graduated from a two year college level program approved by the American Physical Therapy Association or has two years of appropriate experience as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualifications as a physical therapist assistant after December 31, 1977.

"PHYSICIAN" - ANY PERSON LICENSED BY THE ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES under the "Medical Practice Act of 1987" (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.). For a patient who has received medical care in another state, or has moved from another state, and who has not secured the services of a physician licensed in Illinois, an individual who holds an active license to practice medicine in another state will be considered the physician for the patient during this emergency (as determined by the physician) as provided in Section 3 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-3). Such an emergency may not extend more than six months in any case.

"Plan of Treatment" - a plan based on the patient's diagnosis and the assessment of the patient's immediate and long range needs and resources. The plan of treatment is established in consultation with the home health services team which includes the attending physician, pertinent members of the agency staff, the patient and members of the family.

"Professional Advisory Group" - a group composed of at least one practicing physician, one registered nurse (preferably a public health nurse), and with appropriate representation from other professional disciplines which are participating in the provision of home health services. It is highly recommended that a consumer be a member of the group. At least one member of the group is neither an owner nor an employee of the agency.

"Progress Notes" - a dated, written notation by a member of the health team, summarizing facts about care and the patient's response during a given period of time.

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## Section 245.20 (continued)

"Public Health Nurse" - a registered nurse who has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation.

"Purchase of Services/Contractual" - the provision of services through a written agreement with other providers of services.

"Registered Nurse" - a person who is currently licensed as a registered nurse under the "Illinois Nursing Act" (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

"Social Work Assistant" - a person who has a baccalaureate degree in social work, psychology, sociology or other field related to social work and has had at least one year of social work experience in a health care setting; or has two years of appropriate experience as a social work assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualifications as a social work assistant after December 31, 1977.

"Speech Pathologist" - a person who meets the education and experience requirements for a Certificate of Clinical Competence granted by the American Speech and Hearing Association; or meets the education requirements for certification and is in the process of accumulating the supervised experience required for certification.

"Student Nurse" - an individual who is a nursing student in an educational institution leading to a Bachelor of Science in Nursing degree.

"Subdivision" - a component of a multi-function health agency, such as the home care department of a hospital or the nursing division of a health department, which independently meets the federal conditions of participation for home health agencies. A subdivision which has branches is regarded as a parent agency.

"Subunit" - a semi-autonomous organization, which serves patients in a geographic area different from that of the parent agency. The subunit by virtue of the distance between it and the agency is judged incapable of sharing administration, supervision and services.

"Summary Report" - a compilation of the pertinent factors from the clinical notes and progress notes regarding a patient, which is submitted to the patient's physician.



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## NOTICE OF ADOPTED AMENDMENTS

## Section 245.20 (continued)

"Supervision" - authoritative procedural guidance by a qualified person of the appropriate discipline.

(Source: Amended at 14 Ill. Reg. 2382, effective February 15, 1990)

## Section 245.30 Administration/Organization

- a) Governing Body. The home health agency shall have a governing body or a clearly defined body having legal authority and responsibility for the conduct of the home health agency. Where the governing body of a large organization is functionally remote from the operation of the home health agency, the Department may approve the designation of an intermediate level "governing body". For the purposes of this Section the governing body shall:

- 1) Have bylaws or the equivalent which shall be reviewed annually and be revised as needed. They shall be made available to all members of the governing body and of the professional advisory group. The bylaws or the equivalent shall specify the objectives of the agency.
- 2) Appoint members of the professional advisory group.
- 3) Employ a qualified administrator.
- 4) Adopt and revise, as needed, policies and procedures for the operation and administration of the agency.
- 5) Meet to review the operation of the agency.
- 6) Keep minutes of all meetings.
- 7) Provide and maintain an office facility adequately equipped for efficient work and which provides a safe working environment in compliance with local ordinances and fire regulations.

## b) Professional Advisory Group

- 1) The professional advisory group shall assist in developing and recommending policies and procedures for administration and home health services provided by the agency. These policies and procedures shall be in accordance with the scope of services offered by the agency and based on the home health needs of the patient and the area being served. Policies and procedures

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## Section 245.30(b)(1) (continued)

shall be reviewed annually or more frequently as needed to determine their adequacy and suitability. Recommendations for any improvements are made to the Governing Body. These policies and procedures shall include but not be limited to:

- A) Administration and supervision of the agency and the home health services it provides.
- B) Criteria for the acceptance, non-acceptance and discharge of patients.
- C) Home Health Services.
- D) Medical supervision and plans of treatment.
- E) Patient care plans.
- F) Clinical records.
- G) Personnel data.
- H) Evaluation.
- I) Coordination of services.
- 2) The group shall keep minutes of its meetings and meet as often as necessary to carry out its purposes.

## c) Administration

- 1) The home health agency shall have written administrative policies and procedures to insure the provision of safe and adequate care of the patient.
- 2) The home health agency shall show evidence of liability insurance.

## d) Agency Supervision

- 1) A) The home health agency shall designate a person with one of the following sets of qualifications to supervise the provision of home health services: a physician; a registered nurse who is a public health nurse with at least one (1) year of nursing experience; or, a registered nurse



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## Section 245.30(d)(1)(A) (continued)

who is not a public health nurse, but who has at least three (3) years of nursing experience. At least two (2) years of such nursing experience must have been in either:

- i) a home health agency;
  - ii) a community health program that included care of the sick; or,
  - iii) a generalized family centered nursing program in a community health agency.
- B) At least two (2) years of the three (3) years nursing experience must have been obtained within five (5) years prior to current employment with the home health agency. Such services shall be provided in accordance with the orders of the patient's physician and under a plan of treatment established by such physician. This person shall be available at all times during operating hours of the agency and participate in all activities relevant to the provision of home health services.

- 1) Any person employed as an Agency Supervisor prior to July 1, 1983 may continue to serve in that capacity at that agency only, even though he/she may not meet the qualifications for Agency Supervisor which were in effect prior to October 1, 1983.

- ii) One person may hold the positions of both administrator and agency supervisor, if he/she meets the requirements of both positions.

- 2) The skilled nursing service of a home health agency shall be under the supervision of a full-time registered nurse. This supervising nurse shall be responsible for:

- A) The overall supervision of all registered nurses, licensed practical nurses and home health aides.
- B) The assurance that the professional standards of community nursing practice are maintained by all nurses providing care.
- C) Maintaining and adhering to agency procedure and patient care policy manuals.

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## Section 245.30(d)(2) (continued)

- D) Participation in the establishment of service policies and procedures.
- E) Participation in the selection of nursing personnel and the evaluation of nursing personnel.
- F) Coordination of patient care services.
- G) Keeping and maintaining records of case assignments and case management.
- H) Preparation and maintenance of scheduling of cases to be brought to the clinical record review committee.
- I) The conduct of selective program evaluations to improve deficient services and the development and implementation of plans of correction.

## e) Personnel Policies

- 1) Personnel policies applicable and available to all full and part time employees shall include but not be limited to the following:
  - A) Wage scales, fringe benefits, hours of work and leave time.
  - B) Requirements for an initial ~~and periodic~~ health evaluation of each new employee, including a physical examination ~~examinations~~ and any other components as specified ~~required~~ by the governing body.
  - C) Orientation to the home health agency and appropriate continuing education.
  - D) Job descriptions for all positions utilized by the agency.
  - E) Annual performance evaluation for all employees.
  - F) Compliance with all applicable requirements of the Civil Rights Act of 1964.
  - G) Provision for confidentiality of personnel records.
  - H) Employee health policies which require employees to report health symptoms and exposure to any communicable or infectious disease and which specify conditions under which



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## Section 245.30(e)(1)(H) (continued)

employees are to be removed from patient contact and conditions under which employees may resume patient contact.

- 2) Personnel records for all employees shall include the name and address of the employee, social security number, date of birth, name and address of next of kin, evidence of qualifications, current licensure and/or registration if applicable, dates of employment and separation from the agency and the reason for separation.
- 3) Home health agencies that provide other home health services under arrangement through a contractual purchase of services shall ensure that these services are provided by qualified personnel, currently licensed and/or registered if applicable, under the supervision of the agency.

(Source: Amended at 14 Ill. Reg. 2382, effective February 15, 1990)

## Section 245.50 Services

## a) Services Provided

- 1) Each agency shall provide skilled nursing service and at least one other home health service on a part-time or intermittent basis. The skilled nursing service shall be provided directly by agency staff. Other home health services may be provided by agency staff directly or provided under arrangement through a contractual purchase of services. All services shall be provided in accordance with the orders of the patient's physician and under a plan of treatment established by such physician.
- 2) The agency shall state in writing what services will be provided directly and what services will be provided under arrangements.
- 3) Services provided under arrangements shall be through a written agreement which includes but is not limited to the following:
  - A) Services to be provided.
  - B) Provision for adherence to all applicable agency policies and personnel requirements, including requirements for initial health evaluations and employee health policies.

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## Section 245.50(a)(3) (continued)

- C) Designation of full responsibility for agency control over contracted services.
- D) Procedures for submitting clinical and progress notes.
- E) Charges for contracted services.
- F) Statement of responsibility of liability and insurance coverage.
- G) Period of time in effect.
- H) Date and signatures of appropriate authorities.
- I) Provision for termination.

- b) Acceptance of Patients. Patient acceptance and discharge policies shall include but not be limited to the following:

- 1) Persons shall be accepted for health service on a part-time or intermittent basis upon a plan of treatment established by the patient's physician. This plan shall be reduced to writing within fourteen days.
- 2) Prior to acceptance, the person shall be informed of the agency's charges for the various services that it offers.
- 3) No person shall be refused service because of age, race, color, sex, marital status, national origin or source of payment. An agency is not required to accept a patient whose source of payment is less than the cost of the service.
- 4) Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence.
- 5) When services are to be terminated by the home health agency, the patient is to be notified three working days in advance of the date of termination stating the reason for termination. This information shall be documented in the clinical record. When indicated, a plan shall be developed or a referral made for any continuing care.
- 6) Services shall not be terminated until such time as the



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## Section 245.50(b)(6) (continued)

registered nurse and/or the appropriate therapist, in consultation with the patient's physician, deem it appropriate or arrangements are made for continuing care.

## c) Plan of Treatment

- 1) Skilled nursing and other home health services shall be in accordance with a plan based on the patient's diagnosis and assessment of the patient's immediate and long range needs and resources. The plan of treatment is established in consultation with the home health services team which includes the patient's physician, pertinent members of the agency staff, the patient and members of the patient's family. The plan of treatment shall include:

- A) Diagnoses.
- B) Functional limitations and rehabilitation potential.
- C) Expected outcomes for the patient.
- D) The patient's physician regimen of:
  - i) Medications.
  - ii) Treatments.
  - iii) Activity.
  - iv) Diet.
  - v) Specific procedures deemed essential for the health and safety of the patient.
  - vi) Mental status.
  - vii) Frequency of visits.
  - viii) Equipment required.
  - ix) Instructions for timely discharge or referral.

- E) The patient's physician's signature and date.

- 2) Consultation with the patient's physician on any modifications

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## Section 245.50(c)(2) (continued)

in the plan of treatment deemed necessary shall be documented, and the patient's physician's signature obtained within fourteen days of any modification of the medical plan of treatment.

- 3) The plan shall be reviewed by the home health services team every sixty days or more often should the patient's condition warrant.
- 4) An updated plan of treatment shall be given to the patient's physician for review/revision and signature every sixty days or more often as indicated.

## d) Patient Care Plan

- 1) Home health services from members of the agency staff as well as those under arrangements shall be given in accordance with the plan of treatment and the patient care plan. The patient care plan shall be written by appropriate members of the home health services team based upon the plan of treatment and an assessment of the patient's needs, resources, family and environment. The initial assessment is to be made by a registered nurse. Assessment by other members of the health services team shall be made on orders of the patient's physician or by request of a registered nurse.

- 2) The patient care plan shall be updated as often as the patient's condition indicates. The plan shall be maintained as a permanent part of the patient's record. The patient care plan shall indicate:

- A) Patient problems.
- B) Patient's goals, family's goals, service goals.
- C) Service approaches to modify or eliminate problems.
- D) The staff responsible for a given element of service.
- E) Anticipated outcome of service approach with an estimated time frame for completion.
- F) Potential for discharge from service.

- e) Clinical Records. Each patient shall have a clinical record, identifiable for home health services and maintained by the agency in



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## Section 245.50(e) (continued)

## Section 245.50(e)(13) (continued)

accordance with accepted professional standards. Clinical records shall contain:

- 1) Appropriate identifying information for the patient, household members and caretakers, medical history and current findings.
- 2) A plan of treatment signed by the patient's physician.
- 3) A patient care plan for the patient developed by the home health services team which is in accord with the patient's physician's plan of treatment.
- 4) A notated medication list with dates reviewed, revised and date sent to the patient's physician.
- 5) Initial and periodic patient assessments by the registered nurse which include documentation of the patient's functional status and eligibility for service.
- 6) Assessments made by other members of the home health services team.
- 7) Signed and dated clinical notes for each contact which are written the day of service and incorporated into the patient's clinical record at least weekly.
- 8) Reports on all patient home health care conferences.
- 9) Reports of contacts with the patient's physician by patient and staff.
- 10) Indication of supervision of home health services by the supervising nurse, a registered nurse, or other members of the home health services team.
- 11) Written summary reports sent to the patient's physician every sixty days containing home health services provided, the patient's status, recommendations for revision of the plan of treatment and the need for continuation or termination of services noted.
- 12) Written and signed confirmation of the patient's physician's interim verbal orders.
- 13) A discharge summary giving a brief review of service, patient

status, reason(s) for discharge and plans for post discharge needs of the patient.

- 14) A copy of appropriate patient transfer information, when requested, if the patient is transferred to another health facility or health agency.

- 15) Each agency shall have a written policy on records procedures and shall retain records for a minimum of five years beyond the last date of service provided. Those agencies which are subject to the Local Records Act (Ill. Rev. Stat. 1975, ch. 116, pars. 43.101 et seq.) should note that "except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained."

- 16) Each agency shall have a written policy and procedure for the protection of confidentiality of patient records which explains the use of records, removal of records and release of information.

f) Drugs and Biologicals. The agency shall have written policies governing the supervision and administration of drugs and biologicals which shall include but not be limited to the following:

- 1) All orders for medications to be given shall be dated and signed by the patient's physician.
- 2) All orders for medications shall contain the name of the drug, dosage, frequency, method or site of injection and permission from the patient's physician if the patient and/or family are to be taught to give medications.
- 3) The agency's physician or registered nurse shall check all medicines a patient may be taking to identify possible ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindicated medications and promptly report any problem to the patient's physician.
- 4) All verbal orders for medication or change in medication orders shall be taken by the registered nurse and reduced to writing and signed by the patient's physician within seven days.
- 5) When experimental drugs, sera, allergenic desensitizing agents, penicillin or any potentially hazardous drug is administered,



## Section 245.50(f)(5) (continued)

the registered nurse administering such drugs shall have an emergency plan and whatever drug and/or devices are appropriate in the event of a drug reaction.

- g) Evaluation. The home health agency shall have written policies and is required to make an overall evaluation of the agency's total program at least once a year. This evaluation shall be made by the Professional Advisory Group (or a committee of this group), home health agency staff, consumers, or representation from professional disciplines which are participating in the provision of home health services. The evaluation consists of an overall policy and administrative review and a clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective and efficient. Results of the evaluation shall be reported to and acted upon by those responsible for the operation of the agency and maintained separately as administrative records.

- h) Policy and Administrative Review. As a part of the evaluation process the policies and administrative practices of the agency are reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective and efficient. Mechanisms are established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons and total staff days for each service offered.

## i) Clinical Record Review

- 1) At least quarterly, members of professional disciplines representing at least the scope of the agency's programs, shall review a sample of both active and closed clinical records to assure that established policies are followed in providing services (direct as well as those under arrangement). This review will include, but not be limited to the following:

- A) If the patient care plan was directly related to the stated diagnosis and plan of treatment.
- B) If the frequency of visits was consistent with the plan of treatment.
- C) If the services could have been provided in a shorter span of time.

## Section 245.50(i) (continued)

- 2) There is a continuing review of clinical records for each sixty day period that a patient received home health services to determine adequacy of the plan of treatment and appropriateness of continuation of care.

(Source: Amended at 14 Ill. Reg. 2382, effective February 15, 1990)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part:

Minimum Health Care Standards for Health Maintenance Organizations

2) Code Citation:

77 Ill. Adm. Code 240

3) Section Numbers:

240.20

Adopted Action:

Amendments

4) Statutory Authority:

Health Maintenance Organization Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1401 et seq.

5) Effective Date of Amendments:

February 15, 1990

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

February 15, 1990

9) Date Notice of Proposal Published in Illinois Register:

June 30, 1989 (13 Ill. Reg. 10028)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to public comments, the Department added the following language to the definition of "primary care physician" in Section 240.20: "a provider who has contracted with a Health Maintenance Organization to provide primary care services as defined by the contract and who is." This additional language should clarify the authority of the health maintenance organization to contract with primary care physicians and to establish the services provided by primary care physicians in the contracts. No other changes were made in the text of the amendments.

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## 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.14) Are there any other Amendments Pending on this Part? No.15) Summary and Purpose of Rules:

The Department of Public Health is adopting an amendment to its rules establishing minimum health care standards for health maintenance organizations (HMO's). The amendment, which adds chiropractic physicians to the definition of "primary care physician," was proposed in response to a petition submitted by the Illinois Chiropractic Society.

Section 4-10 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1404-10 et seq.) requires each HMO to "provide a mechanism for the timely review by a physician holding the same class of license as the primary care physician" for the resolution of disputes concerning the necessity of specific procedures. The amendatory veto message on House Bill 814 refers to this provision of the Act and states that the reference to "the same class of license" in this provision "clearly acknowledges the eligibility of all classes of physicians to serve as primary care physicians." The message also states, "This should dispel, in my judgment, any doubt that M.D.'s, D.O.'s, and D.C.'s each categorically qualify, and should be designated, as primary care physicians."

When the Department adopted this set of rules to implement its responsibilities under the Health Maintenance Organization Act, the definition of "primary care physician" was limited to "a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice." The Department believed that this limitation was consistent with the language and intent of the Act. This set of rules, including this definition, took effect on October 1, 1988.

This amendment expands the definition of "primary care physician" to insure that it is consistent with the interpretation of Section 4-10 of the Act expressed in the amendatory veto message. Specifically, the amendment adds "a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery" to the definition of



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"primary care physician."

The Department anticipates no economic effects of this proposed amendment on health maintenance organizations or chiropractors.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIESPART 240  
MINIMUM HEALTH CARE STANDARDS FOR HEALTH MAINTENANCE ORGANIZATIONS

## SUBPART A: GENERAL PROVISIONS

Section	Authority, Scope and Purpose
240.10	Definitions
240.20	

## SUBPART B: APPLICATION FOR HMO CERTIFICATE OF AUTHORITY

Section	Submission of Application for HMO Certificate of Authority
240.30	Personnel, Organization and Provider Requirements
240.40	Provision of Care Requirements
240.50	HMO Self-Evaluation Structure
240.60	

## SUBPART C: HMO OPERATING REQUIREMENTS

Section	General Operating Requirements
240.80	HMO Provider Site Medical Record Requirements
240.90	Required Information and Reports
240.100	Department Interventions
240.110	Fees
240.120	

**AUTHORITY:** Implementing and authorized by the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1401 et seq.)

**SOURCE:** Filed November 24, 1975; emergency amendment at 6 Ill. Reg. 10055, effective August 4, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14846, effective November 23, 1982; codified at 8 Ill. Reg. 7273; Part repealed, new Part adopted at 12 Ill. Reg. 15583, effective October 1, 1988; amended at 14 Ill. Reg. 2403, effective February 15, 1990.

**NOTE:** Capitalization denotes statutory language.



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## SUBPART A: GENERAL PROVISIONS

## Section 240.20 Definitions

"Act" means the Health Maintenance Organization Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1401 et seq.).

"BASIC HEALTH CARE SERVICES" MEANS EMERGENCY CARE, AND INPATIENT HOSPITAL AND PHYSICIAN CARE, OUTPATIENT MEDICAL SERVICES, MENTAL HEALTH SERVICES AND CARE FOR ALCOHOL AND DRUG ABUSE, INCLUDING ANY REASONABLE DEDUCTIBLES AND CO-PAYMENTS. (See also the Department of Insurance regulations located at 50 Ill. Adm. Code 6101.130.) (Section 1-2 of the Act)

"Director of Department of Public Health" means the Director of the Illinois Department of Public Health, or such person or office as designated by the Director of the Department of Public Health to act in the Director's behalf.

"Encounter" means a face to face contact between an enrollee and a basic health care service provider who has primary responsibility for assessing and treating the condition of the patient at a given contact and exercises independent judgement in the care of the enrollee.

"Enrollee" or "member" means an individual who has been enrolled as a subscriber or as an eligible dependent of a subscriber and for whom the HMO has accepted the contractual responsibility for providing or arranging for at least, health care services and basic health care services.

"EVIDENCE OF COVERAGE" MEANS ANY CERTIFICATE, AGREEMENT, OR CONTRACT ISSUED TO AN ENROLLEE SETTING OUT THE COVERAGE TO WHICH HE IS ENTITLED IN EXCHANGE FOR A PER CAPITA PREPAID SUM. (Section 1-2 of the Act)

"Grievance" means any written complaint by an enrollee regarding any aspect of the HMO relative to the enrollee. (See also the Department of Insurance regulations on HMO's, 50 Ill. Adm. Code 6101.40 for clarification.)

"HEALTH CARE PLAN" MEANS ANY ARRANGEMENT WHEREBY ANY ORGANIZATION UNDERTAKES TO PROVIDE, ARRANGE FOR AND PAY FOR OR REIMBURSE THE COST OF BASIC HEALTH CARE SERVICES AND AT LEAST PART OF SUCH ARRANGEMENT CONSISTS OF ARRANGING FOR OR THE PROVISION OF HEALTH CARE SERVICES, AS DISTINGUISHED FROM MERE INDEMNIFICATION AGAINST THE COST OF SUCH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 240.20 (continued)

SERVICES, ON A PREPAID BASIS, THROUGH INSURANCE OR OTHERWISE. (Section 1-2 of the Act)

"HEALTH CARE SERVICES" MEANS ANY SERVICES INCLUDED IN THE FURNISHING TO ANY INDIVIDUAL OF MEDICAL OR DENTAL CARE, OR THE HOSPITALIZATION OR INCIDENT TO THE FURNISHING OF SUCH CARE OR HOSPITALIZATION AS WELL AS THE FURNISHING TO ANY PERSON OF ANY AND ALL OTHER SERVICES FOR THE PURPOSE OF PREVENTING, ALLEVIATING, CURING OR HEALING HUMAN ILLNESS OR INJURY. (Section 1-2 of the Act)

"HEALTH MAINTENANCE ORGANIZATION" OR "HMO" MEANS ANY ORGANIZATION FORMED UNDER THE LAWS OF THIS OR ANOTHER STATE TO PROVIDE OR ARRANGE FOR ONE OR MORE HEALTH CARE PLANS UNDER A SYSTEM WHICH CAUSES ANY PART OF THE RISK OF HEALTH CARE DELIVERY TO BE BORNE BY THE ORGANIZATION OR ITS PROVIDERS. (Section 1-2 of the Act)

"Medical Director" means a physician licensed to practice medicine in all its branches in Illinois and who shall be responsible for final review when questions of medical practice arise in the HMO in order to assure the quality of health care services provided.

"Peer Review" means the evaluation

by similarly licensed practicing physicians of the effectiveness and efficiency of services ordered or performed by other similarly licensed practicing physicians, or

by other professionals of the effectiveness and efficiency of services ordered or performed by other members of the profession whose work is being reviewed.

"Plan Service Area" means the geographic territory to be served by the HMO.

"Primary Care Physician" means a provider who has contracted with a Health Maintenance Organization to provide primary care services as defined by the contract and who is

a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or

a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 240.20 (continued)

"PROVIDER" MEANS ANY PHYSICIAN, HOSPITAL FACILITY, OR OTHER PERSON WHICH IS LICENSED BY STATE LAW OR OTHERWISE AUTHORIZED BY STATE, FEDERAL, OR LOCAL LAW TO FURNISH HEALTH CARE SERVICES. (Section 1-2 of the Act)

"Quality Assessment Monitoring" means the planned, systematic, and routine collection of information by the HMO according to previously determined indicators of quality and appropriateness of patient care and clinical performance encompassing basic and supplemental health care services and providers. After periodic assessment and evaluation by the HMO, quality assessment monitoring can detect trends and identify opportunities for improving enrollees' care.

"Supplemental Benefits" or "Selective Benefits" means any services or benefits provided by the HMO over and above those required as basic health care services.

"Utilization Review" means the study of the appropriateness of the use of particular services and the appropriateness of the volume of services used.

(Source: Amended at 14 Ill. Reg. 2403, effective February 15, 1990)

## DEPARTMENT OF INSURANCE

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citations: 50 Ill. Adm. Code 2008
- 3) Sections Numbers: 2008.90  
Appendix A  
Proposed Actions:  
Amendment  
Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: November 17, 1989, 13 Ill. Reg. 17615
- 5) Reason for the withdrawal: The amendments to this Part have become unnecessary due to Congressional repeal of the Medicare Catastrophic Coverage Act of 1988 on November 21, 1989.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYPROCLAMATION  
90-006

## ANTIOCH RESCUE SQUAD DAY (REVISED)

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 22, 1990, through January 26, 1990, and have been scheduled for review by the Committee at its March 7, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/8/90	Comptroller, Contract Content (74 Ill. Adm. Code 290)	12/1/89 13 Ill. Reg. 18649	March 7, 1990
3/8/90	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)	7/28/89 13 Ill. Reg. 12384	March 7, 1990
3/8/90	Secretary of State, Remittance Agents (92 Ill. Adm. Code 1019)	12/1/89 13 Ill. Reg. 18843	March 7, 1990
3/9/90	Department of Professional Regulation, Psychologist Registration Act (68 Ill. Adm. Code 1400)	3/10/89 13 Ill. Reg. 2913	March 7, 1990
3/12/90	Department of Children and Family Services, Relative Home Placement (89 Ill. Adm. Code 335)	10/27/89 13 Ill. Reg. 16634	March 7, 1990
3/12/90	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	12/8/89 13 Ill. Reg. 19235	March 7, 1990
3/12/90	Secretary of State, Dealers, Wreckers, Transporters and Rebuilders (92 Ill. Adm. Code 1020)	12/8/89 13 Ill. Reg. 19241	March 7, 1990

WHEREAS, with the help of the Kenosha Chapter of the American Red Cross, the Antioch Rescue Squad was formed in 1939 by a group of concerned individuals who recognized the need for emergency medicine in the Antioch Chain-Of-Lakes area; and

WHEREAS, in 1971, the Antioch Rescue Squad achieved recognition as Illinois' first Paramedic-Mobile Intensive Care Unit and also had twelve of the state's first certified paramedics; and

WHEREAS, in its 50th year of service, the Antioch Rescue Squad remains an all-volunteer organization and continues to provide 24-hour emergency care to Antioch Township;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 17, 1990, as ANTIOCH RESCUE SQUAD DAY in Illinois in honor of the squad's 50th year of dedication to the Antioch community.

Issued January 23, 1990. Filed January 29, 1990.



PROCLAMATION  
90-022

## AFRO-AMERICAN HISTORY MONTH

WHEREAS, observance of Afro-American History Month was initiated in 1926 by Carter G. Woodson, who is known as the "Father of Afro-American History"; and

WHEREAS, Afro-American History Month pays respect to the heritage of Afro-American people, and promotes increased respect for law and order and a greater understanding of the functioning of religious institutions; and

WHEREAS, the theme of this year's observance is "The Father of Black History: Carter G. Woodson, A Living Legacy"; and

WHEREAS, the observance of Afro-American History Month across America during February 1990 will provide an opportunity to assess the progress that has been made in the United States in leadership activities among Afro-Americans;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as AFRO-AMERICAN HISTORY MONTH in the State of Illinois and urge Illinoisans to pay tribute to the heritage of Afro-American people.

Issued January 22, 1990. Filed January 29, 1990.

PROCLAMATION  
90-023

## BIOMEDICAL EQUIPMENT TECHNOLOGY WEEK

WHEREAS, modern health care relies upon machines as well as people for the most up-to-date treatment available. Diagnostic instruments such as patient monitors, EKG machines, and laboratory and x-ray equipment help establish the need for care. Therapeutic systems such as anesthesia machines, physical therapy instruments, pacemakers, and radiation devices provide needed services to patients; and

WHEREAS, the cost of health care can be controlled by effective selection and repair of such medical equipment by qualified clinical engineers and biomedical technicians; and

WHEREAS, the clinical engineer has the level of education, experience and competence to participate professionally with physicians, hospital administration and other personnel in the technological aspects of health care delivery; and

WHEREAS, the biomedical technician installs, inspects, repairs, calibrates and modifies medical devices and medical support systems; advises concerning theory of operation, underlying physiological principles and the practical, safe clinical application of medical devices; and may supervise biomedical equipment maintenance activities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 15-21, 1990, as BIOMEDICAL EQUIPMENT TECHNOLOGY WEEK in Illinois, in recognition of this profession and its important role in health care.

Issued January 22, 1990. Filed January 29, 1990.



PROCLAMATION  
90-024  
FREEDOM DAY

"We stand for freedom. That is our conviction for ourselves;  
that is our only commitment to others."

--John F. Kennedy, message to Congress, May 25, 1961

WHEREAS, each year on February first, the National Freedom Day Association holds ceremonies around the Liberty Bell at Philadelphia's Independence Mall to commemorate Abraham Lincoln's signing of the 13th Amendment to the U.S. Constitution; and

WHEREAS, that amendment, signed in 1865, abolished slavery in our country and was one of the most historically noteworthy steps toward liberty for all citizens;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1, 1990, as FREEDOM DAY in Illinois in commemoration of Abraham Lincoln's last official act as President, and I ask all Illinoisans to reflect upon the liberties we enjoy.

Issued January 26, 1990. Filed January 29, 1990.

PROCLAMATION  
90-025  
IRS-SPONSORED VOLUNTEER WEEK

WHEREAS, the volunteer assistance programs sponsored by the Internal Revenue Service over the past 20 years have provided millions of low income, handicapped, elderly, and non-English speaking persons with free assistance in preparing their income tax returns; and

WHEREAS, these volunteers are provided training and technical assistance by the Internal Revenue Service; and

WHEREAS, these volunteers represent a number of state and local chapters of national organizations such as: the American Bar Association, American Association of Retired Persons, National Association of Black Accountants, the Illinois Certified Public Accountants Society, the Independent Accountants Association of Illinois, the University of Illinois, Illinois Community Colleges, the Illinois Department of Revenue, and many other community service and private agencies and organizations; and

WHEREAS, this partnership symbolizes the American spirit of volunteerism and the Illinois tradition of hard work and neighbor helping neighbor;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 5-9, 1990 as IRS-SPONSORED VOLUNTEER WEEK in Illinois, and I call on the people of Illinois to observe this week with appropriate ceremonies and activities.

Issued January 26, 1990. Filed January 29, 1990.



ILLINOIS REGISTER

2417  
90

PROCLAMATION  
90-026  
SALES AND MARKETING MONTH

WHEREAS, a fundamental precept of the principles upon which the United States is founded is the free and increasing exchange and distribution of goods and services for the benefit of all people; and

WHEREAS, the orderly distribution of the output of our companies and corporations is vital to their continuing efficient operation; and

WHEREAS, sales and marketing professionals are the purveyors of goods that fulfill society's needs and wants, and they are the imaginative developers of markets and ideas for the effective and ever-increasing employment of Illinois citizens and facilities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as SALES AND MARKETING MONTH in Illinois, urging all members of the business, labor, agricultural, educational, and civic professions to participate in this observance.

Issued January 26, 1990. Filed January 29, 1990.

ILLINOIS REGISTER

2418  
90

PROCLAMATION  
90-027  
TRAVEL AGENT APPRECIATION WEEK

WHEREAS, the travel agents of Illinois have made significant contributions to the State's travel and tourism industry; and

WHEREAS, Illinois' travel agents have offered valuable services and assistance to Illinois travelers; and

WHEREAS, Delta Air Lines has designated February 5-9, 1990, as Travel Agent Appreciation Week;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 5-9, 1990, as TRAVEL AGENT APPRECIATION WEEK in Illinois, in recognition of the valuable contributions travel agents have made to our state.

Issued January 26, 1990. Filed January 29, 1990.



# JCAR - Joint Committee on Administrative Rules

## ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections

### EXAMPLE:

#### AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285	III. Grain Insurance Act (P-18048/85; A-6818)					
TITLE	PART	ACTION CODE	PAGE NUMBER	PREVIOUS VOLUME	PAGE NUMBER	ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

#### AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
89 Ill. Adm. Code 230	Older Americans Act Programs (P-14499/89; A-2308)

#### AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-15911/89; A-1907)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-15915/89; A-1911)
8 Ill. Adm. Code 85	Diseased Animals (P-15926/89; A-1919)
8 Ill. Adm. Code 80	III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
8 Ill. Adm. Code 115	III. Pseudorabies Control Act (P-15942/89; A-1935)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-15950/89; A-1943)
8 Ill. Adm. Code 45	Marketing Center (Livestock) (P-15956/89; A-1949)
2 Ill. Adm. Code 700	Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584)
8 Ill. Adm. Code 100	Swine Brucellosis (P-15960/89; A-1953)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-15968/89; A-1961)

#### AUDITOR GENERAL

74 Ill. Adm. Code 420	Code of Regulations (P-1541)
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#### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310	Pay Plan (P-427) (P-15141/89; A-615) (PP-1627)
80 Ill. Adm. Code 3000	The Travel Regulation Council (P-1548)

# CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 410	Licensing Standards for Youth Emergency Shelters (P-439) (E-999)
89 Ill. Adm. Code 302	Services Delivered by the Dept. (P-1) (P-2205)

# COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 525	Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
56 Ill. Adm. Code 2610	Training Services for the Disadvantaged (P-5017/89; A-1976)

# COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 900	Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
83 Ill. Adm. Code 445	Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
83 Ill. Adm. Code 505	Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)
83 Ill. Adm. Code 710	Uniform System of Accounts for Telecommunications Carriers (P-1552)

# COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501	Administration of the Public Community College Act (P-14) (E-299)
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# COMPTROLLER

2 Ill. Adm. Code 625	Access to Information (A-186)
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# CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 590	Duck, Goose & Coot Hunting (P-15509/89; A-638)
17 Ill. Adm. Code 3040	III. Bicycle Path Grant Program (P-442)
17 Ill. Adm. Code 1050	III. List of Endangered & Threatened Flora (P-455)
17 Ill. Adm. Code 3030	Land & Water Conservation Fund Grant Program (P-478)
17 Ill. Adm. Code 210	Rental of Boats & Boating Facilities (P-16892/89; A-2013)
17 Ill. Adm. Code 810	Sport Fishing Regs. for the Waters of Ill. (P-491)
17 Ill. Adm. Code 710	Taking of Wild Turkeys - Spring Season, The (P-15534/89; A-663)

# EDUCATION, BOARD OF HIGHER

23 Ill. Adm. Code 1025	Engineering Grant Program (P-14516/89; A-2015)
23 Ill. Adm. Code 1020	Health Services Education Grants Act (P-14521/89; A-2020)
23 Ill. Adm. Code 1000	Ill. Financial Assistance Act for Nonpublic Institutions of Higher Learning (P-14531/89; A-2030)

# EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 25	Certification (P-8756/89; A-1243)
23 Ill. Adm. Code 253	Comprehensive Health Education (P-1645)
23 Ill. Adm. Code 210	Learning Assessment & School Improvement Plans (P-8766/89; O-18943/89; R-1534; A-1254)
23 Ill. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (P-1650)

# EDUCATIONAL OPPORTUNITY, ILLINOIS CONSORTIUM FOR

23 Ill. Adm. Code 2400	III. Consortium for Educational Opportunity Program (P-1703)
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# EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-15543/89; A-2038)
56 Ill. Adm. Code 2732	Employment (P-12748/89; O-20398/89; R-1049; A-673)
56 Ill. Adm. Code 2765	Payment of Unemployment Contributions, Interest & Penalties (P-1101)

# ENERGY AND NATURAL RESOURCES, DEPARTMENT OF

83 Ill. Adm. Code 1000	Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12756/89; AR-681)
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